

CRM-M-7209-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7209-2023
Date of decision: 23.03.2023

Amandeep Singh @ Gaimda

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.K.Singla, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition (the first one was dismissed as withdrawn on 08.09.2022 and the second was dismissed on 10.11.2022), the petitioner seeks regular bail in case bearing DDR No.42 dated 14.06.2022 in FIR No.90 dated 24.05.2022, registered at Police Station Bhikhi, District Mansa, under Sections 308, 325, 323, 341, 506, 120-B and 34 IPC.

Status report dated 21.03.2023 by way of affidavit of the Deputy Superintendent of Police, Sub Division Mansa, District Mansa, has been filed in the Court today. The same is taken on record.

Learned counsel for the petitioner contends that the above-noted FIR was registered against some unknown persons; that the petitioner was neither named in the FIR nor in the supplementary statement of the complainant, recorded on 04.06.2022, and that the petitioner was indicted

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in the present case on the second supplementary statement of the complainant, recorded on 14.06.2022. Learned counsel further submits that injuries No.1 to 3 on the person of complainant-Sukhwinder Singh have been declared simple in nature whereas injuries No.4 and 5 have been declared grievous in nature.

Learned counsel for the petitioner further submits that co-accused, namely, Mandeep Singh alias Jhalli has since been released on regular bail by a Coordinate Bench, vide order dated 09.01.2023 and that even co-accused, namely, Amritpal Singh has since been granted the concession of anticipatory bail by this Court, vide order dated 10.11.2022. So far as other cases registered or pending against the petitioner, are concerned, he has been acquitted in two cases i.e. FIR No.231 dated 19.11.2019, under Sections 307, 323, 148, 149 and 325 IPC, Police Station Bhikhi, and FIR No.32 dated 02.06.2016, under Sections 323, 148 and 149 IPC, Police Station Joga, whereas he has been released on bail in three cases under the Excise Act. Learned counsel further submits that the petitioner has been in custody for the last 07 months and 25 days and that however, charges have not been framed so far.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the crime; that the petitioner alongwith the co-accused were armed with dye and iron rods, and that the accused had caused injuries on the head, leg and hand of the complainant. However, learned State counsel submits that the petitioner is also involved in a case under the NDPS Act.

I have heard the learned counsel for the parties.

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Indisputably, the petitioner was neither named in the FIR nor in the first supplementary statement of the complainant. The petitioner has been indicted on the second supplementary statement of the complainant, recorded on 14.06.2022.

The petitioner has been in custody for the last 07 months and 25 days. Challan has been presented. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. As stated above, co-accused, namely, Mandeep Singh alias Jhalli has since been released on regular bail whereas co-accused, namely, Amritpal Singh has since been granted the concession of anticipatory bail. The petitioner has already been released on bail in three cases registered under the Excise Act. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.03.2023

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No