

2023:PHHC:043190

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207A

CRM-M-7920-2023

Date of Decision.:23.03.2023

Salinder Singh @ Sunder

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manbir Singh Batth, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, DAG, Punjab.

Mr. Vijay Singla, Advocate
for the complainant.

DEEPAK GUPTA, J.

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.05 dated 04.01.2023 registered under Sections 307, 323, 506, 341, 148, 149 IPC (Section 120-B IPC added later on) registered at Police Station City Zirakpur, District SAS Nagar.

FIR was registered on the statement of Bahadur Singh as per which on 04.01.2023 he was way-laid by Kulwinder Singh @ Kaku and four other boys who gave beatings to him with iron rods and sharp edged weapons. It was also stated that one day prior thereto i.e. on 03.01.2023 son of the petitioner namely Harwinder Singh had threatened him to teach him a lesson. On his statement FIR was initially registered under Sections 307, 323, 506, 341, 148, 149 IPC. Later on, complainant Bahadur Singh expired and so, Section 302 of the IPC was also added.

The grievance of the petitioner is that he is not named in the FIR. His name has emerged in the statement made on 16.01.2023 made by

CRM-M-7920-2023

-2-

Nirmal Singh, an alleged eye-witness, as per which the petitioner was exhorting the assailants to kill the deceased.

Status report by way of affidavit of Shri Bikramjit Singh Brar, PPS, Deputy Superintendent of Police, Sub-Division Zirakpur, District SAS Nagar, Mohali has been filed on behalf of respondent-State in which it is mentioned that name of the petitioner has emerged in the statement made by Nirmal Singh on 16.01.2023. It is thus clear that petitioner was not amongst the assailants who gave injuries to the deceased. So much so, in the statement made by the deceased the name of the petitioner was not disclosed. Even the statement of Nirmal Singh the alleged eye-witness was recorded 12 days after the occurrence.

Petitioner is in custody since 22.01.2023.

Having regard to the aforesaid facts and circumstances and the role attributed to the petitioner, but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Area Magistrate/Duty Magistrate concerned, on usual terms and conditions.

March 23, 2023

Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No