

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-10566-2023

Date of Decision:-09.03.2023

Sunny.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. A.S. Shergill, Advocate for
Mr. Navjot Singh, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.32 dated 29.12.2020 under Sections 307, 324, 323, 148 and 149 read with Section 34 IPC (Section 201 IPC added later on) registered at Police Station GRP Sangrur, Punjab.

The present FIR came to be registered at the instance of Smt. Gurmeet Kaur who stated that she had two sons namely Mandeep Singh @ Dogar and Hardeep Singh who had died in an accident. On 28.12.2020 at about 5.00 PM her son Mandeep Singh @ Dogar left the house stating that he would come back after meeting his friends. When he did not come back till late, she along with her neighbour went searching for her son. At about 10.15 pm they saw that Sunny (petitioner) son of Amarnath holding a *gandasi* in his hand gave a blow of the same on the head of her son with an intention to kill him. She also saw Pidli @ Pindi who was holding a *Kirpan* in his hand and Guddi son of Amarnath armed with cudgel and 2/3 unknown persons were also armed with cudgels. She could recognise them if they were brought before her. All those persons caused injuries with

sharp edged weapons to her son Mandeep Singh @ Dogar. The motive behind the occurrence was that the brother of Pidli @ Pindi had run away by enticing a girl belonging to the Balmiki caste and her (complainant's) son had caught him and had given him beatings.

During the course of investigation, the supplementary statements of the complainant and that of the injured Mandeep Singh @ Dogar were recorded under Section 161 Cr.PC to the effect that in fact Pidli @ Pindi had caused the injury on the person of Mandeep Singh @ Dogar on the head which is the injury attracting Section 307 IPC.

The counsel for the petitioner contends that undoubtedly the petitioner is named in the FIR as the main accused but pursuant to the statement under Section 161 Cr.PC of the injured Mandeep Singh @ Dogar, it is Pidli @ Pindi who is stated to be the main accused. The said Pidli @ Pindi has been granted the concession of bail by this Court vide order dated 15.09.2022 (Annexure P-2). The other co-accused Ajay Singh @ Budhi and Hari Om have also been granted the concession of bail by this Court. Since the petitioner was in custody since 04.10.2022 and none of the prosecution witnesses had been examined so far, he was entitled to the grant of bail, more so when he was a first time offender with no other case registered against him.

The learned Counsel for the State on the other hand contends that as per the FIR the petitioner is the main accused. The nature of allegations levelled against him did not entitle him to the grant of bail. He however, does not dispute the fact that as per the supplementary statement of the complainant as also the statement of the injured himself, it is Pidli @ Pindi who is the main accused and he has been granted the concession of bail.

I have heard learned Counsel for the parties.

The veracity of the allegations levelled against the petitioner and his co-accused shall be established during the course of the Trial. Admittedly the petitioner is in custody since 04.10.2022. None of the prosecution witnesses have been examined so far. He is also stated to be a first time offender. The co-accused of the petitioner have been granted the concession of bail. Therefore, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Sunny** son of Sh. Amarjit Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

In addition, the petitioner (or any one on their behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 09, 2022

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No