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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-4065-2023 in
CRM-M-14007-2022
Date of decision :31.01.2023

NIGAM @ LUCKY

... Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Himanshu Puri, Advocate for
Mr. Sunny K. Singla, Advocate
for the petitioner(s).

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

CRM-4065-2023

The present application has been filed by the applicant-petitioner for placing on record the statement of PW1 as Annexure P-3.

For the reasons mentioned in the application, the same is allowed and the statement of PW1 as Annexure P-3 is taken on record.

CRM-M-14007-2022

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.222 dated 06.12.2021 registered under Sections 307, 341, 323, 324, 427, 506, 148, 149 of IPC at Police Station City Sangrur, District Sangrur.

2. The present FIR came to be registered at the instance of Ravi Chawla son of Charan Dass who stated that he was a former M.C. and a worker of a political party. On 06.12.2021, he had gone to drop his children to the school bus on his Activa. While riding back, one Rakesh

Kumar was following him on his motorcycle. Near the house of Mr. B.K. Goyal, Advocate at about 08.20 AM in the morning, a white colour car Brand Figo came from behind and struck his scooter. Because of the accident, he fell down. Suddenly, four young boys including Nigam @ Lucky (petitioner) holding a Kirpan in his hand, Jassi son of Gurmeet Kala holding an iron rod, Pawan Kumar alias Johny son of Balveer Chand holding an iron sickle and Radi son of Joginder Singh came out of the car. Babbi son of Jagar Singh was sitting on the driver seat of the car. Four other unknown persons were already standing there. As soon as, he got out of the car, Nigam @ Lucky gave a *Kirpan* blow towards his head which struck his right cheek under the right eye, then Pawan Kumar gave a blow of an iron sickle towards his head with the intention of killing. He stepped back and the sickle struck the left side of his forehead and he fell down. Thereafter, Jassi gave a blow of an iron rod held in his hands on his right and left arms striking both his arms. Then, he was attacked on his legs below the neck. Then Radi gave a blow of an iron rod towards his head. On his raising his right hand, the said blow struck the left hand finger and his forehead. Then Pawan Kumar gave an iron sickle blow on the middle of his forehead and four other unknown persons started punching and kicking him while he was lying fallen on the ground. When he tried to run away, the accused surrounded him and threatened him. On his raising an alarm, they fled away from the spot.

3. The learned counsel for the petitioner contends that the petitioner was arrested on 15.12.2021. The investigation stands completed. The complainant already stands examined and as many as 16

more prosecution witnesses are yet to be examined. Therefore, the Trial of the present case was not likely to be concluded anytime soon. There are three other FIRs registered against the petitioner. In FIR No.50 dated 10.02.2020 registered under Sections 324, 323, 341, 506, 148, 149 IPC at Police Station City Sangrur and FIR No.62 dated 25.04.2021 registered under Sections 323, 341, 427, 148, 149, 188 IPC at Police Station City Sangrur, the petitioner has been granted the concession of bail. In FIR No.288 dated 22.08.2020 registered under Sections 435, 436, 427, 34 IPC at Police Station City Sangrur, the petitioner stands acquitted. Since the injury attributed to the petitioner is simple in nature and he is in custody since long his further incarceration was not warranted and he be granted the concession of bail.

4. A reply by way of an affidavit of Ajaypal Singh, PPs, Deputy Superintendent of Police, Sub Division, Sangrur has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the said reply, he contends that the petitioner is the main accused. The manner of the occurrence did not entitle him to the grant of bail. He, however, does not dispute the period of custody undergone by the petitioner, the stage of Trial as also the fact that the complainant already stands examined.

5. I have heard the learned counsel for the parties.

6. The veracity of the allegations against the petitioner shall be adjudicated upon during the course of Trial. The petitioner has been in custody since 15.12.2021. Sixteen more prosecution witnesses are yet to be examined. As such, the Trial of this case is not likely to be concluded

anytime soon. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Nigam @ Lucky son of Surinder Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

31.01.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No