

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

CRM-M-27534-2023

Date of Decision:-02.06.2023

Kashmir Singh @ Happy.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Janak Singh Bhinder, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy 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.04 dated 09.01.2023 under Sections 307, 323, 324, 325, 148, 149 IPC registered at Police Station Dirba, District Sangrur.

2. The brief facts of the case are that the statement of one Hardeep Singh was recorded to the effect that on 08.01.2023 there was a *kabaddi* tournament in their village and he (complainant) was sitting on the stage. Then one Mandeep Singh started pushing him. At that time Deepi's son pointed a pistol at him (complainant) and stated that if he (complainant) ran away from there he would be shot. Upon this, Harbilas @ Bilasi hit him (complainant) on the head with an iron rod. Happy Singh (petitioner) gave him a blow with a pipe on his right leg breaking it. Then Jagsir Singh @ Jaggi gave an iron rod blow on his right arm/biscep. Pargat Singh gave him a hockey stick blow on his left elbow. Thereafter Kuldeep Singh gave a

baseball bat blow on his left leg. When he (complainant) fell on the ground the other accused gave him more injuries. On his raising a hue and cry his brother Gurdeep Singh came and rescued him. All the accused ran away from the spot.

3. The Counsel for the petitioner contends that he has been falsely implicated in the present case. There is a delay of more than 24 hours in the registration of the FIR. However, taking the allegations to be true the petitioner has been attributed a grievous injury on a non vital part of the body and the injury attracting Section 307 IPC has been attributed to co-accused Harbilas @ Bilasi. Even otherwise the petitioner was in custody since 10.1.2023, the investigation stood completed and none of the 23 prosecution witnesses had been examined so far which would delay the culmination of the Trial. Therefore, the petitioner was entitled to the grant of bail more so when his co-accused Jagsir Singh @ Jaggi has been granted the similar relief

4. The Counsel for the State on the other hand contends that the petitioner is the part of an unlawful assembly which assaulted the complainant causing the grievous injuries to him. The nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however, concedes that the injury attracting Section 307 IPC has not been attributed to the petitioner and the fact he is in custody since 10.1.2023 and none of the 23 witnesses have been examined so far.

5. I have heard counsel for both the parties at length.

6. The veracity of the prosecution case shall be established during the course of the Trial. The petitioner is in custody since 10.01.2023. None of the 23 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded any time soon. As

such the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present application is allowed and the petitioner-**Kashmir Singh @ Happy** son of Sh. Gursewak Singh @ Jaithu 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 present one.

9. In addition, the petitioner (or anyone on his 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 trial without sufficient cause.

10. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

June 02, 2023
Vinay

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