204 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27748-2023
DECIDED ON: 02.06.2023

KAMALJIT SINGH

…..PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Ms. Arshdeep Kaur, Advocate for
Mr. Sukhjit Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G, Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. The present petition preferred under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C.') is for the grant of regular bail to the petitioner in case FIR No.181 dated 10.07.2021 registered under Sections 307, 379-B, 325, 323, 341, 506, 148 and 149 of Indian Penal Code at Police Station Division No.6, Ludhiana, District Ludhiana.

2. On the statement given by one Lakhbir Singh, the present FIR was registered. It was alleged that on 07.07.2021, at about 6.30 AM, when the complainant Lakhbir Singh, who was a supplier of milk, was going back after his daily routine of supplying milk, a swift desire car intercepted the auto of the complainant. Baljit Singh, Paramjit Singh, Vishu and Kamaljit Singh were sitting in the car. The complainant was taken out of his auto and then Harpreet @ Dimpi gave a baseball blow on his head with an intention to kill him. The complainant raised his arms to ward off the blow as a result of which the baseball hit his arms. Thereafter Kamaljit Singh and Vishu gave baseball blows on his legs and arms and Kamaljit Singh also broke the glass

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of his auto. It was also alleged that after he raised an alarm, the assailants fled from the sport but while fleeing, took away his gold chain, mobile phone as also the proceeds of the day. The reason for the attack was stated to be some complaint having been moved by the sister-in-law of the complainant namely Jaspreet Kaur against Baljit Singh and Jagatar Singh for having committed rape in the police department.

3. Learned counsel for the petitioner submits that the petitioner is in custody since 10.02.2022. It has been contended that final report under Section 173 Cr.P.C. has already been submitted. Learned counsel submits that co-accused Harpreet Singh was granted bail vide order dated 12.07.2022 passed in ***CRM-M-28488-2022*** titled as ***Harpreet Singh Vs. State of Punjab*** (Annexure P-3), co-accused Paramjit Singh was granted bail vide order dated 20.07.2022 passed in ***CRM-M-19697-2022*** tiled as ***Paramjit Singh Vs. State of Punjab*** (Annexure P-4) and co-accused Baljit Singh was granted bail by the Special Court, Ludhiana vide order dated 18.05.2023 (Annexure P-5). Learned counsel further submits that the bail petition of the petitioner was rejected by the trial Court on flimsy grounds.

4. On the other hand, learned counsel representing the State of Punjab has opposed the bail petition. However, it has been admitted that the petitioner is in custody since 10.02.2022 and as per the custody certificate filed in the Court today, he has undergone custody of 1 year 3 months and 19 days.

5. I have considered the submissions made by learned counsel for the parties.

6. The petitioner is alleged to have given baseball blows on the arms of the complainant. He is in custody since 10.02.2022. A period of 1

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year 3 months and 19 days has already elapsed. Final report under Section 173 Cr.P.C. has been submitted. Co-accused Harpreet Singh, Paramjit Singh and Baljit Singh have already been released on regular bail (Annexure P-3, Annexure P-4 and Annexure P-5 respectively). In the considered opinion of this Court, there is no reason for the petitioner to be in custody any longer.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate Ludhiana.

(VIKRAM AGGARWAL)
JUDGE

02.06.2023
Prince Chawla

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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