

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-27326-2023 (O&M)

Date of Decision: 25.07.2023

VARINDER SINGH ALIAS PAPPI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. PS Ahluwalia, Advocate and
Mr. HS Randhwa, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Mr. Jagjot Singh, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.131 dated 26.10.2022, registered at Police Station Dirba, District Sangrur, under Sections 307, 323, 341, 427, 506, 148 and 149 IPC; Section 201 IPC (added later on) and Sections 25 and 27 of the Arms Act.

Status report by way of an affidavit dated 05.07.2023 of the Deputy Superintendent of Police, Sub-Division Dirba, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that a common injury on the person of the complainant has been attributed to the petitioner and co-accused, namely, Harjit Singh son of Rajinder Singh and thus, it cannot be ascertained as to which accused has caused injury

attracting Section 307 IPC; that the petitioner was alleged to be armed with a baton and co-accused was armed with a gandasi and that the petitioner has been in custody since 20.01.2023. He further submits that co-accused, namely, Harjeet Singh, son of Joginder Singh has since been granted the concession of regular bail by a Coordinate Bench of this Court vide order dated 06.02.2023. Still further, it is submitted that as far as other cases registered against the petitioner are concerned, he is on bail in those cases.

Learned counsel for the petitioner further submits that charges are yet to be framed and the prosecution evidence is to commence and that no recovery of danda was effected from the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel and learned counsel for the complainant does not dispute the custody period of the petitioner.

Learned counsel for the complainant, however, submits that the petitioner had actively participated in the occurrence, inasmuch as, he along with other co-accused have attributed injuries on the head of the injured, which is a vital part and that the petitioner was armed with a baton and was a member of an unlawful assembly.

Learned State counsel submits that a pistol of 30 bore and a live cartridge was recovered from the petitioner and that the petitioner is a habitual offender and facing many more cases as well.

I have heard the learned counsel for the parties.

Though a danda blow on the person of the injured has been

attributed to the petitioner, yet the fact remains that the same injury has also been attributed to co-accused, namely, Harjeet Singh son of Rajinder Singh, who was armed with a gandasi. The petitioner has been in custody since 20.01.2023. Co-accused has since been enlarged on bail. As per the learned counsel for the petitioner, in other cases registered against the petitioner, he is on bail. Charges are yet to be framed and the prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>