

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28497-2023

Decided on : 06.06.2023

Parvinder Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Jasinder S. Sekhon, Advocate
for the petitioner(s).

Mr. Arun Gupta, AAG, Punjab.
Assisted by ASI Charanjit Singh.

SANJAY VASHISTH, J. (Oral)

1. Mr. D.K.Sharma, Advocate, puts in appearance on behalf of complainant-Maninder Singh @ Debi and files his *Vakalatnama* in Court today, which is taken on record, subject to all just exceptions. Office is directed to tag the same at appropriate place.

2. Petitioner-Parvinder Singh, aged 18 years has filed the instant petition under Section 439 Cr.P.C. for seeking bail in case FIR No.180 dated 05.09.2022 under Sections 324, 341, 34 IPC (Sections 323, 326, 307 IPC were added later on), registered at Police Station Sadar Kharar, District SAS Nagar (Mohali) during the pendency of trial.

3. Counsel for the petitioner submits that petitioner is a young boy of the age of 18 years only and for the incident dated 31.08.2022, initially, aforementioned FIR was registered against the petitioner under Section 324, 341, 34 IPC. However, subsequent thereto, only on the basis of supplementary statement dated 14.09.2022 of the injured/complainant-Maninder Singh @ Debi, an offence under Section 307 IPC was added and

thus, there is no medical opinion, declaring the injury dangerous to life.

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Thus, it would be a moot question, whether the alleged offence under Section 307 IPC, is made out or not ?

4. Counsel for the petitioner further submits that a concocted version has been prepared by the complainant and said aspect is clear from the facts recorded in the FIR also that despite being declared fit for statement by the doctor on two occasions i.e. on 01.09.2022 and then 03.09.2022, injured did not give the statement to the police, rather took time to discuss it with the family members, and got recorded his statement first time on 05.09.2022.

5. Counsel for the petitioner also points out that vide order dated 16.02.2023 passed in CRM-M-46537-2022 (Annexure P-7), co-accused Baljinder Kaur @ Bimla mother of the petitioner has been granted anticipatory bail by this Court.

6. Learned State counsel while vehemently opposing the prayer for bail submits that causing of more than one injury with a sharp edged weapon i.e. kirpan is enough for the Court to come to a conclusion that there was an intention to kill in the mind of the accused, thus, petitioner deserves no leniency.

7. Learned State counsel also places on record the custody certificate dated 06.06.2023 in Court today, which is taken on record. Registry is directed to tag the same at appropriate place.

From the said custody certificate, it is clear that petitioner has already undergone the custody period of 8 months and 22 days and is not an accused in any other case.

8. Thus, considering the submissions addressed by both the counsel and perusing the record carefully, this Court is of the view that the

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sustainability of the serious offence punishable under Section 307 IPC would always be in question, but sending the petitioner, who is aged only 18/19 years in jail may prove fatal for his future career. Thus, by granting concession of bail, he be afforded one chance to reform himself without remaining inside jail for indefinite period.

9. On the other hand, it is also informed by learned State counsel that investigation is complete and final report has been submitted and now, charges have also been framed by the Court. Prosecution has to examine total 17 witnesses and no witness has been examined till date.

10. Noticing all the aforementioned facts and circumstances, I hereby order the petitioner to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Area Magistrate/Duty Magistrate.

11. However, it is made clear that in case, petitioner is found involved in any other similar activity in future or pressurizes the witnesses of this case, it would be open for the prosecution /State of Punjab to seek cancellation of the bail granted by this Court, today.

(SANJAY VASHISTH)
JUDGE

June 06, 2023
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No