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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29625-2023
Date of decision:- 22.11.2023

Amolak Singh... Petitioner

Versus

State of Punjab.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Liaqat Ali, Advocate with
Dr.Prem Nath, Advocate
for the petitioner.

Mr.A.P.S. Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
189	27.11.2022	Nakodar Sadar, District Jalandhar Rural	307, 451, 324, 323, 34 IPC

2. Version of the prosecution is that FIR, Annexure P1, has been registered on the statement of Sahil Kumar, wherein he stated that he is working as a Salesman in a Liquor Wine shop. On 22.11.2022, three young men came to the shop and wanted to purchase liquor at a cheaper rate. He asked them to talk to the owner and they left. They came back at about 07:30/8:00 p.m. and were armed with *datar*. They forcibly entered the shop

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and hit him on his head. He tried to save himself. They dragged him outside and kept on hitting him. Assuming him to be dead, they ran away from the spot with their weapons. Complainant has identified them as Amolak Singh, present petitioner, Preeta and Billa.

3. Counsel for the petitioner contends that it is a case of version and cross version and even the petitioner has received injuries but the cross version was not registered by the police. He submits that petitioner was apprehended from the hospital. Still further, he submits that Sahil Kumar – complainant as well as his friend Arvind have been examined as PW1 and PW2. In particular by making a reference to the deposition of Sahil Kumar (PW1), counsel submits that the complainant has not identified the petitioner and has levelled allegations against unidentified persons with muffled faces. He submits that the petitioner, who has a clean past and is languishing in custody since 30.11.2022 deserves to be released from detention.

4. State counsel has filed status report by way of affidavit of Deputy Superintendent of Police, Sub-Division, Nakodar, District Jalandhar (Rural) on behalf of respondent – State. It is taken on record. By referring to it, State counsel submits that the complainant has received 11 injuries and except two, all injuries have been inflicted with sharp edged weapon. He submits that injuries No.3 to 7, which are attributed to all the three accused have been declared to be dangerous to life. He submits that offence under Section 326 IPC has also been added. Custody certificate dated 21.11.2023 has also been filed by the State counsel, which is taken on record.

5. Having considered the submissions made by counsel for the

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parties but without adverting to the merits or demerits of the arguments addressed by counsel for the parties, this Court is of the view that the petitioner deserves to be enlarged on bail during the pendency of the trial. The complainant, who is the most vital prosecution witness has been examined. His deposition has been noticed. Petitioner enjoys a clean past and has been in confinement for the last almost 12 months. All these factors have weighed with this Court while granting the prayer made in the petition.

6. In view of the above, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

22.11.2023

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No