

212 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30410-2023

Date of decision : 07.07.2023

Harpreet Singh @ Happy @ Hardeep Singh ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G. Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.106 dated 25.12.2022 registered under Section 323, 341, 379-B and 34 Indian Penal Code (Section 201 Indian Penal code added lateron) at Police Station Division Maloud, District Khanna, District Ludhiana, who is in custody since his arrest on 26.12.2022.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Ludhiana in the order dated 22.02.2023 are as under:-

“Prosecution case is that on 21.12.2022 at about 8:00PM complainant Somnath Singh son of Teja Singh and his friend Mohan Singh son of Sarwan Singh after taking Rs.11,500/- for the shuttering work were going on scooter to meet their friend Tali resident of village Timberwal. The scooter was being driven by Mohan Singh. The mobile phone make Redmi of Mohan Singh was in the left hand of Somnath Singh and when they turned from main road to Timberwal link road, four persons came on a motorcycle and they stopped their motorcycle in front of the scooter driven by Mohan Singh. The motorcycle was being driven by Sunny son of Mahal Singh, Jashandeep Singh son of Jinder Singh who was sitting on the motorcycle was carrying one iron dah in his right hand. He gave dah blow on the left side of the head of Somnath Singh. Harpreet Singh @ Happy son of Jarnail Singh who was also sitting on the motorcycle and one other person who was not known to Somnath Singh gave him legs blows as a result scooter fell on the road Mohan Singh also fell

down.Somnath Singh raised an alarm and ran away towards village Timberbal and he also fell down. Jashandeep Singh snatched the mobile phone make Redmi of black colour from the hand of Somnath Singh and also gave dah blow to Somnath and as he had raised his right hand to save himself, so the iron dah hit on the right hand of Somnath Singh. Harpreet Singh @ Happy and the other person gave legs blow to Somnath Singh and they also snatched Rs.11,500/- from the pocket of Somnath Singh and then they fled away on the motorcycle make CT100. Somnath Singh and Mohan Singh were taken to the civil hospital Malaud. As per the MLR of Somnath Singh two injures were found on his person which were kept for x ray opinion and he was referred for CT- scan to the Civil Hospital, Ludhiana and on 23.12.2022 he was discharged from the hospital. ”

Learned counsel has argued that the petitioner has been falsely implicated in the case and he is not involved in any other case. He has further invited the attention of the Court to Annexure P-2 to contend that co-accused- Jashandeep Singh @ Yuvraj Singh has already been extended the concession of regular bail by the trial Court. According to him, trial is not making any headway as out of total 10 prosecution witnesses none has been examined so far. He prays for bail.

Learned State counsel assisted by HC Baljinder Singh has opposed the prayer on the ground that the petitioner participated in the crime, however, he does not dispute this fact that the petitioner is not involved in any other case. He further on instructions states that after framing of charges on 08.05.2023, no prosecution has been examined so far out of total ten witnesses.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the same is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 26.12.2022.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

		(MANOJ BAJAJ)	
		JUDGE	
07.07.2023	Whether speaking/reasoned :	Yes	No
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