

294-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33314-2023

Date of decision:- 04.12.2023

Amandeep Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:

MrAnirudh Gupta, Advocate
for the petitioner.

Mr.Anup Singh, AAG, Punjab.

Mr.K.S. Kahlon, Advocate
for the complainant.

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
13	28.02.2023	Ghanie Ke Bangar, Police District Batala, District Gurdaspur	325, 323, 308, 34 IPC

2. FIR, Annexure P1 has been registered on the statement of Kanwaljit Kaur on the allegation that in the early morning hours on 26.02.2023, when she and her husband were going towards Dera for feeding cattle, Gurmeet Singh, who was armed with a baseball bat, Mehakpreet Singh with an iron bar and Amandeep Singh, present petitioner, and Jinder

294-2

Kaur wife of Gurmeet Singh attacked them on the instigation of Jinder Kaur. Amandeep Singh, gave a fist blow on the right eye and Mehakpreet Singh hit her husband on the head with an iron rod. After her husband fell, Gurmeet Singh hit him with a baseball bat. She raised an alarm, her brother-in-law Sukhchain Singh rushed to the spot and the assailants fled away. She arranged for transportation and brought her husband to a hospital where he underwent a surgery.

3. Counsel for the petitioner contends that although petitioner has been named in the FIR, but the allegation against him is of a fist blow, and the injury suffered by complainant's husband has been declared to be simple. Counsel submits that two crucial prosecution witnesses i.e. the complainant and her brother-in-law Sukhchain Singh have been examined in chief as PW1 and PW2. He submits that the petitioner, who is in custody since 22.04.2023 and enjoys a clean past deserves to be released on bail.

4. *Per contra*, State counsel upon instructions has opposed the petition. He is assisted by counsel for the complainant. State counsel has made a detailed reference to the injuries inflicted upon the complainant's husband. Counsel for the complainant submits that Major Singh is in a vegetative state and has suffered serious injuries as a result of unprovoked attack by the accused. He has vehemently opposed the petition.

5. I have heard counsel for the parties and considered their respective submissions.

6. Noticing the role allegedly ascribed to the petitioner, nature of injury attributed to him, his young age of 22 years, stage of trial and

294-2

incarceration of more than 7 months, this Court is inclined to release him on bail during the pendency of the trial.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, 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.

8. Observations made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

04.12.2023
Brij

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