

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34779-2023

Date of Decision:14.11.2023

Sunder Singh and another

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Veneet Sharma, Advocate,
for the petitioners.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Sukhbir Maandi, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to them in case FIR No.31 dated 03.05.2014 registered under Sections 307, 326, 324, 323, 382, 379, 148, 149, 201, 325 of IPC and Sections 25/27 of Arms Act, 1959, at Police Station Harike, Tehsil Patti, District Tarn Taran.

2. Learned counsel for the petitioners contends that initially, petitioner No.1 was not named in the FIR and only petitioner No.2 was named as one of the assailants. However, no specific role was assigned to petitioner No.2 as well. He further contends that later on, the statement of Rashpal Singh, injured was recorded under Section 161 Cr.P.C. and as per the said statement, petitioner No.1 had caused an injury on the backside of right elbow of Rashpal Singh with a *Gandasi* (pole-axe). Apart from that, there is no other attribution

to petitioner No.1. As per the said statement of Rashpal Singh, injured, petitioner No.2, namely, Harbhajan Singh had caused an injury with a sword on the right hand of Rashpal Singh. Learned counsel further contends that even though, the petitioners were declared to be proclaimed offender, but they were granted liberty by this Court to surrender before the trial Court within a period of 7 days. However, the petitioners could not appear before the trial Court within 7 days and were later on arrested on 20.06.2023. He next contends that the petitioners are rustic villagers and are the first offenders. He further contends that similarly placed co-accused Sukhwinder Singh and Mukhtiar Singh have already been granted the concession of bail by this Court.

3. On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that Rashpal Singh had sustained 10 injuries and out of those injuries, 6 injuries were opined to have been inflicted by sharp edged weapons and 5 injuries were declared to be grievous in nature. Apart from that, Rashpal Singh had assigned specific role to both the petitioners in the present case.

4. I have heard learned counsel for the parties and perused the record.

5. It is apparent that the petitioners were arrested in the present case on 20.06.2023 and are in custody for the last about 05 months. After concluding the investigation, the challan has already been presented before the Competent Court and charges have not yet been framed against the petitioners. Consequently, the conclusion of the trial may take quite a long time. Apart from that, the petitioners are the first offenders and are rustic villagers. Thus,

their continuation in jail would not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) *The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioners get involvement in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to them.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioners.*

14.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No