

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-35938-2023

Date of Decision:-21.09.2023

Pardeep Singh @ Perry.

.....Petitioner.

Vs.

The State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Charanjit Singh Bakshi, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No28 dated 25.05.2023 under Sections 341, 323, 379B (2), 420, 506, 34 IPC registered at Police Station Airport, Amritsar.

2. The present FIR came to be registered at the instance of Surjit Singh who stated that he had come to the Amritsar Airport to receive his friend Akhil who was returning from Dubai. When they both reached the parking lot three men including a Sardar who was wearing a blue coloured Nihang attire and two other young men with cropped hair stopped him. They started quarrelling with his friend Akhil about a transaction of some goods. On his (complainant's) interference, the three persons started beating him on which his friend Akhil ran away from the spot in a car. Two of the three boys were calling the third person Vishal and Vishal was calling one of the other persons as Perry and the second Nihang attired person as Fateh. Vishal gave an iron rod blows on the wrist of his left arm and left knee. Seeing the fight on the spot, the three persons ran away threatening to kill them (complainant party). On an enquiry it was revealed that the accused were Pardeep Singh @ Perry (petitioner) son of Narinder Singh, Vishal

resident of Shaheed Udham Singh Nagar, Amritsar and the Nihang attired person was Fateh @ Veeru resident of Gurnam Nagar, Amritsar. These three persons had fled in a dark grey car bearing registration number PB-02-BU-0800. Legal action was sought against the accused.

3. The Counsel for the petitioner contends that no injury has been attributed to the petitioner. The occurrence allegedly took place on 25.05.2023 between 8.00 am and 9.00 am. However, the information was furnished to the police by the complainant at 9.17 pm on 25.5.2023 after a delay of more than 12 hours. This delay completely falsified the prosecution case. As the petitioner was in custody since 25.05.2023, the report under Section 173(2) Cr.PC stood submitted and none of the 13 prosecution witnesses had been examined so far, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused have caused injuries to the complainant and have threatened him with dire consequences. The nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He however, concedes that the investigation stands completed and the report under Section 173(2) Cr.PC has been submitted. He also concedes that the petitioner is in custody since 25.05.2023, none of the 13 prosecution witnesses have been examined so far and that the petitioner has clean antecedents.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case shall be adjudicated upon during the course of the Trial. Admittedly two of the co-accused of the petitioner, namely, Fateh @ Veeru and Harsimranjit Singh @ Vishal have been granted the concession of interim anticipatory bail by this Court. The petitioner is in custody since 25.05.2023. The investigation stands completed, none of the 13 prosecution witnesses have been examined so far and the petitioner has clean antecedents. In this view of the matter, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Pardeep Singh @ Perry** son of Sh. Narinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.
9. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.
10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

September 21, 2023
Vinay

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