

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35964-2023

Decided on : 02.08.2023

Navdeep Singh @ Gora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab.

Mr. Padamkant Dwivedi, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.02 dated 01.01.2018 under Section 307, 452, 323, 324, 148, 149 IPC (Section 326, 325, 450, 427, 341, 201 and 120-B IPC added later on) registered at Police Station Guru Harsahai District Ferozepur.

2. Learned counsel for the petitioner *inter alia* contends that the FIR in question was registered against six unknown persons wherein it was alleged that those persons came in a Scorpio car to the shop of the complainant. On coming to the shop, those unknown persons inflicted severe injuries to him with sharp edged weapons. In support of his submissions, learned counsel has drawn the attention of this Court to the contents of the

FIR, which has been annexed as Annexure P-1. Learned counsel has further submitted that after being admitted to the hospital on 26.12.2017, even after the injured-complainant had been declared fit, he chose not to get his statement recorded and rather stated that he would get it recorded only after consulting his relatives. However, even thereafter neither any statement was made by the injured nor his relatives qua the occurrence in question. Rather, it was on 16.10.2019, after almost 2 years of the occurrence in question, the injured Vinay Kumar for the first time made a statement under Section 161 Cr.PC wherein he nominated the petitioner as an accused and as a result thereof he was arrested on 18.10.2019. Learned counsel has vehemently argued that it was evident that a false case had been planted upon the petitioner, which required to be appreciated in the light of the fact that no description of the alleged assailants had been given in the FIR by the complainant. It has also been submitted that in the facts and circumstances, more so, when the charges have not yet been framed, further incarceration of the petitioner, who has now been in custody for more than three years nine months, having been arrested on 18.10.2019, would not serve any useful purpose. It has also been submitted that identically placed co-accused Vijay has been granted bail by this Court vide order dated 17.07.2023.

3. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer made by the counsel opposite have submitted that no doubt, the FIR in question was lodged against unknown persons, however, a supplementary statement was made by the injured-

complainant before the Special Investigating Team on 16.10.2019 wherein it was revealed that Scorpio car on which the unknown persons had come to the shop of the injured-complainant, was registered in the name of the petitioner and he was driving the same on the fateful day. It has been further argued that the petitioner along with the co-accused had actively participated in the occurrence in question by inflicting injuries on the injured-complainant as a result of which, he sustained as many as 17 injuries including an injury dangerous to life.

Furthermore, learned State counsel has however not disputed that challan qua the petitioner stands presented, but the charges have not yet been framed, as subsequently role of 11 more persons in the crime in question has come to light, qua whom investigation is still underway and one co-accused Kamal Narain @ Sonu Sekhon is yet to be arrested.

4. On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioner, he, on instructions has apprised the Court that the petitioner does not have any criminal antecedents and there is no criminal case registered against him other than the FIR in question.

5. Heard learned counsel for the parties and perused the relevant material on record.

6. After the challan was presented in January, 2020, the trial has come to a virtual stand still as even the charges have not yet been framed since an SIT stands constituted and investigation is underway qua the other accused. It is thus, evident that the trial would take considerable time to

conclude. The petitioner, as also conceded by learned State counsel, on instructions, is not involved in any other criminal case except the present one. Hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case. Needless to add, that in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of bail granted to him.

02.08.2023
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(MANJARI NEHRU KAUL)
JUDGE

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