

208/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36633-2023

Date of Decision: 03.10.2023

Manjeet Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat****Present :** Mr. Kunal Jain, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.30 dated 31.03.2023 registered under Sections 307, 323, 324, 341, 506, 148, 149 of IPC (Section 325 IPC added later on), at Police Station Sadar Rajpura, District Patiala.

2. The FIR in the present case was registered on the basis of the statement made by Davinder Singh son of Dilbagh Singh. As per the complainant, at about 5.25 p.m. on 30.03.2023, he had gone with his friend Fakir Singh. His brother Daljit Singh and Gagandeep Singh and Ajaib Singh were also present there. In the meantime, they were attacked by 15/16 persons. He had noticed the presence of Manjit Singh, Rama Singh, Harjinder Singh alias Jindra, Simmu, Gurwinder Singh alias Guriya, Nazar Singh, Ravi, Daman, Kaka, Sandeep alias Deep, Jassi, Shoki, Nimma, Harman and Prince and

Gurmukh Singh, all residents of village Urdan and Gurmukh Singh, resident of village Manakpur and all of them were armed with deadly weapons. As per the complainant, they all surrounded him and started causing injuries to him. He got down from the tractor and Harjinder Singh @ Jindra caused an injury with kirpan on his right leg and Manjit Singh had hit on the right side of his head with a kirpan and Ram Singh attacked him on his left foot with a kirpan and he fell down. While, he was lying down, Simmu gave a blow with kirpan on his left leg and Nazar Singh caused an injury with a stick on his left arm and elbow. Nazar Singh also hit on the backside of the head with a kirpan and Gurwinder Singh alias Guriya had caused an injury to him with a kirpan on the middle finger of his left hand. Sandeep Singh alias Deep, Jassi etc. caused injuries with sticks to him. With these broad allegations, the FIR in the present case was registered against the present petitioner and other co-accused.

3. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 31.03.2023 and is in custody for the last more than six months. He further contends that challan has already been presented in the present case and the trial is yet to formally commence against him. Thus, the conclusion of the trial may take a long time. Learned counsel further contends that even it has been alleged that the petitioner had caused injuries with a kirpan on the head of the injured, namely, Devinder Singh, however, the medical evidence falsifies the prosecution version. Learned counsel further contends that some of the co-accused, namely, Gursimran Singh @ Simmu, Gurvinder Singh alias Guriya and Abhishek @ Ravi have been granted the concession of interim anticipatory bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the injury, which attracted the offence under Section 307 IPC is specifically attributed to the present petitioner. However, he is not in a position to dispute the fact that no prosecution witness has been examined so far.

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

6. It is apparent from the record that the petitioner is in custody for the last more than six months and the injured has already been discharged. It is further apparent from the record that the prosecution has relied upon 17 witnesses, however, no witness has been examined so far. Thus, further custody of the petitioner will serve no meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

03.10.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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