

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

CRM-M-41083-2023

Date of Decision:-28.08.2023

Davinder Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Jivtesh Singh Nagi, 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 No.137 dated 01.11.2022 under Sections 307, 341, 323, 148, 149, 365, 379B IPC registered at Police Station Longowal, District Sangrur.

2. The brief facts of the case are that the statement of one Simarjit Singh was recorded to the effect that he was a driver on a Trola. On 28.10.2022 he was on his way from Mansa to Malerkotla. When he reached near Sunam bypass one Swift Car suddenly stopped in front of his Trola and his Trola struck the side of the Swift vehicle. Suddenly 4/5 persons came out of the car and ran towards him. He (complainant) reversed the Trola to move forward. However, they (accused in the swift) did not allow him to proceed further because of which he turned towards Sunam and called up number 100 i.e. the police helpline. When he reached Badrukkhan Petrol Pump and went inside, then 4/5 people came behind him and gave

him beatings. One of the said persons tried to set him on fire. They pulled him into their swift car and took away his mobile phone and Rs.20,000/-. He was taken near the police lines where he was given beatings. Thereafter he was left at the City-1 Sangrur Police Station where the employees of the police station took him to the hospital. The three of the accused were Gurmail Singh, Kulwinder Singh @ Vicky and Manjot Singh and the identity of the 2/3 unknown persons could be established if he (complainant) saw them. Legal action was sought.

3. The Counsel for the petitioner contends that he has been falsely implicated in the present case. He has not been named in the FIR. However, taking the allegations to be true it was a case of road rage at best. No offence under Section 307 IPC was made out and the supplementary statement of the complainant recorded one day after the initial version was an afterthought in order to enhance the nature of the offence. As the petitioner was in custody since 13.03.2023 and none of the 17 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon entitling him to the concession of bail.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner and his co-accused. Therefore, he was not entitled to the concession of bail as prayed for. He however, concedes that the petitioner is in custody since 13.03.2023 and none of the 17 prosecution witnesses have been examined so far.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 13.03.2023 and none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the

present case is not likely to be concluded any time soon. In these circumstances, the further incarceration of the petitioner is not warranted.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Davinder Singh** son of Sh. Surjan Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 28, 2023
Vinay

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