

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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(i) CRM-M-43894-2022
Date of decision : 25.04.2023

Jai Veer Petitioner

V/S

State of Punjab Respondent

(ii) CRM-M-49989-2022
Date of decision : 25.04.2023

Manpreet Singh Petitioner

V/S

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. N.S. Dandiwal, Advocate for
Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner in CRM-M-43894-2022.

Mr. Gurpal Singh Sandhu, Advocate
for the petitioner in CRM-M-49989-2022.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

1. This order will dispose of the above mentioned petitions as
the same have arisen out of the common FIR.

2. The petitioners have filed the present petitions under
Section 439 of the Code of Criminal Procedure, 1973 for grant of

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regular bail in case FIR No.180 dated 14.07.2022 registered under Sections 458, 323, 506, 427, 436, 148 and 149 of the Indian Penal Code, 1860 at Police Station City Malout, District Sri Muktsar Sahib.

3. Custody certificates dated 22.04.2023 have been filed by learned State counsel in the Court today which are taken on record.

4. The above-said FIR was registered on the statement of complainant-Kulbir Singh alleging that he works at Gill Car Bazar, Malout. On 11.07.2022 at 06:00 p.m. he was going from Abohar road towards his house. On the way, his mother Sukhdeep Kaur and sister-in-law Simran Kaur were present at the hand-pump installed in the field of Gurpreet Singh @ Gaggu and on seeing them he also stopped there. Gurpreet Singh @ Gaggu, armed with datti and Raman, armed with iron road, were also present there and abused him. Raman gave iron road blow on his neck and he fell down. On which Raman again gave iron road blows on his back and on his left elbow. Gurpreet Singh @ Gaggu also gave three daati blows on him. Harkewal Singh, who was standing nearby, instigated them to cause more injuries to him. When his mother and sister-in-law raised alarm, all three accused fled from the spot. At night about 11:30 p.m., all the three accused along with unidentified persons came to his house and apart from damaging articles set his house on fire.

5. Learned counsel for both the petitioner have submitted that the petitioners were not named in the FIR and have been falsely implicated in the present case later on due to some ulterior motive. On

perusal of the FIR, no offence is made out against the petitioners. Even otherwise the compromised has also been effected between the parties. Complainant-Kulbir Singh, who was examined as PW-1 before the trial Court, has also turned hostile. Eye-witnesses Sukhdeep Kaur, mother of the complainant and Simran Kaur, sister-in-law of the complainant, who were examined as PW-2 and PW-3, respectively, have also turned hostile. Copies of statements of PW-1, PW-2 and PW-3 have also been filed by learned counsel for the petitioners which are taken on record.

6. Learned counsel for both the petitioner have further submitted that the petitioners are not involved in any other case. Petitioners-Jai Veer and Manpreet Singh are in custody since 17.07.2022 and 14.07.2022, respectively. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be released on regular bail.

7. Per contra, learned State counsel has opposed the present petitions on the ground that the petitioners have been actively participated in the commission of alleged offence. The complainant got recorded his supplementary statement, wherein he alleged that the unidentified persons, who set his house on fire, were Jai Veer, Manpreet Singh (the petitioners) and Kulwant Singh and thereafter, the petitioners were nominated in this case. The allegations against the petitioners are serious in nature. Therefore, the present petitions may be dismissed.

8. Keeping in view the facts and circumstances of the case,

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custody period of the petitioners, the fact that the material witnesses have turned hostile before the trial Court and the matter has already been compromised between the parties and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioners deserve the concession of regular bail.

9. Accordingly, both the petitions are allowed and petitioners- Jai Veer and Manpreet Singh are ordered to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

25.04.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No