

Gurpinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Raman Singla, Advocate,
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

ARUN MONGA, J. (ORAL)

After being declined bail by the trial Court, petitioner before this Court seeks his release as an undertrial in a case bearing FIR No.11 dated 04.03.2023, registered under Sections 307, 326, 341, 324, 323, 148 read with Section 149 of IPC at Police Station, Sherpur, District Sangrur.

2. Per First Information Report (FIR), on 03.03.2023 at about 8:45 p.m., complainant Jaspreet Singh along with his two friends was on way back home when they were attacked by assailants who came on 3/4 motorcycles. All the assailants were armed with deadly weapons viz. kirpan and rods. They physically assaulted complainant and his friends and inflicted injuries. On seeing the light of an approaching vehicle, the assailants fled away from the scene of occurrence on their respective motorcycles along with their weapons. In course of investigation, on the supplementary statement of the complainant and disclosure statement of one of the co-accused-Sukhdev Singh alias Soni, petitioner was also arrested as a suspect on 08.03.2023 and is in custody ever since.

3. Learned counsel for the petitioner submits that as per supplementary statement of complainant petitioner was though allegedly armed with iron rod, but no injury has been attributed to the petitioner. Moreover, no offence under Section 307 IPC is made out as doctor has not declared any injury as dangerous to life. Moreover, name of the petitioner surfaced in the supplementary statement of complainant and disclosure statement of co-accused. Such a belated custodial statement obtained is not admissible in

Court. He further submits that entire investigation has now already been completed. Petitioner is not involved in any other case.

3.1 Petitioner is in custody since 08.03.2023. No recovery has been effected from the petitioner. No specific role is attributed to the petitioner. He further submits petitioner is not required for further custodial interrogation. There is no likelihood of petitioner tampering with evidence and/ or influencing prosecution witnesses. Petitioner is totally innocent and has thus been falsely implicated in the case.

3.2 Learned counsel for the petitioner further submits that co-accused of the petitioner, namely, Balbir Singh @ Lakhi and Akashdeep Singh have also been granted concession of regular bail by this Court vide orders dated 11.08.2023 and 17.08.2023 (Annexures P-3 and P-4 respectively). He further states that petitioner's case is on much better footing who has not been attributed any specific role and yet, he continues to be in jail.

4. On the other hand, learned State counsel opposes the bail petition. He submits that petitioner has committed a serious offence. In case, petitioner is granted concession of bail, there are chances of his fleeing from justice. He however, admits that no other case is pending against him.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, under instructions from ASI Balwinder Singh, learned State counsel submits that no injury has been attributed to the petitioner. He was merely riding on motorcycle as pillion with the principal accused. Whereas, said principal accused himself has been granted bail by this Court vide order dated 11.08.2023. He informs that challan has been presented and investigation *qua* the petitioner is complete. Petitioner is not required for custodial interrogation.

7. Allegations against petitioner are a matter of trial at this stage. Conclusion of the trial is likely to take quite sometime as it is proceeding at a snail pace. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for more than 05 months, being behind bars

since 08.03.2023. He is being kept in preventive custody merely on unfounded suspicion that if he is let out, he may either tamper with evidence and/or influence witnesses.

8. Petitioner is stated to be 18-year old youngman and is on the cross-roads of his career. He has already lost his livelihood due to prolonged incarceration. Having clean antecedents and fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

9. Co-accused have already been accorded the concession of bail. Petitioner's case is stated to be on much better footing than them.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of Ld. trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned trial Court shall proceed without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

01.09.2023
vandana

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