

226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43481-2023

Date of Decision: 18.12.2023

Avtar Singh alias Kaka

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Sandeep Sharma, Advocate with
Mr. Bakul Garg, 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 a regular bail in case FIR No.122 dated 14.11.2022 registered under Sections 323, 341, 506, 34 of IPC (Sections 307 and 325 IPC added later on) at Police Station Sandaur, Malerkotla.

2. The FIR in the present case was registered on the basis of the statement made by Devinder Singh son of Hakam Singh. At about 5.00 p.m. on 11.11.2022, Rajinder Singh, brother of complainant left on his bicycle from his home to his work place. At about 5.30 p.m., the complainant got the information that Rajinder Singh, who was going on bicycle has fallen down and has been caused injuries by unidentified persons with sharp edged weapons and his clothes were smeared with blood. The complainant went to the place of occurrence and shifted Rajinder Singh to Civil Hospital, Malerkotla. Since, he had suffered several injuries, he was shifted to PGIMER, Chandigarh in an

unconscious condition. The complainant came to know that his brother had been caused injuries by Iqbal Singh, Jagtar Singh and Kaka Singh, petitioner. The reason for causing injuries was that a case of rape was registered against Iqbal Singh and the father of the complainant had pursued the said case and Iqbal Singh stood convicted in the said case. Due to this, Iqbal Singh was harboring a grudge against the complainant side. He expressed the suspicion that Iqbal Singh, Jagtar Singh and Kaka Singh, petitioner had caused injuries to his brother, in collusion with each other.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case due to some old enmity. In fact, the petitioner was not present at the place of occurrence and was working as a labourer in factory, namely, Star Impact at Malerkotla. Learned counsel also relied upon the Attendance Card of the petitioner, which was annexed as Annexure P-4. He further contends that in the present case, the occurrence had taken place on 11.11.2022, whereas the FIR was registered only on the basis of the suspicion on 14.11.2022 i.e. after three days. As per learned counsel, the petitioner was arrested on 29.06.2023 and is in custody for the last about 6 months. In the present case, charge has been framed and no witness has been examined so far. He further contends that the petitioner is not in a position to influence the prosecution.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that one more case under section 376 IPC has been registered against the present petitioner, however, the petitioner has been acquitted in the said case.

5. I have heard the learned counsel for the parties and perused the record.
6. The petitioner was arrested in the present case on 29.06.2023 and is in custody for the last about 06 months. Apart from that, no other criminal case is pending against the present petitioner. Even the conclusion of the trial may take quite a long time as no witness has been examined so far.
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.

18.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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