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(229)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45975-2023

Date of Decision: 12.10.2023

MANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.29 dated 12.06.2023 registered under Sections 458, 323, 324, 148, 149 IPC at Police Station Sadar Morinda, District Rupnagar.

2. The present FIR came to be registered at the instance of Jarnail Singh son of Gajjan Singh who stated that he was an agriculturalists and had four brothers. His younger brother was Bhag Singh whose son was Kulwinder Singh and had been married to Tejpreet Kaur daughter of Kashmira Singh. Kulwinder Singh and Tejpreet Kaur had three daughters. 6/7 months earlier Tejpreet Kaur had gone away with Mandeep Singh (petitioner) son of Sarban Singh. The said Mandeep Singh used to give threats to his (complainant's) brother Bhag Singh and nephew Kulwinder Singh that Tejpreet Kaur had gone with him of her own will and that if they (Bhag Singh and Kulwinder Singh) interfered then he (petitioner) would kill them.

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A week prior to the occurrence, Tejpreet Kaur had come back to their village. On 10.06.2023 at about 11.00 PM Mandeep Singh came along with unidentified persons with their faces covered, entered the house of his brother Bhag Singh. Mandeep Singh was armed with a Kirpan and the other unidentified persons were armed with sticks. Mandeep Singh raised a Lalkara and on hearing the noise when his (complainant's) nephew Dharminder Singh tried to stop the accused from entering into a quarrel then Mandeep Singh stated that he would take Tejpreet Kaur with him. When Tejpreet Kaur objected to the same, then Mandeep Singh gave a blow of a Kirpan to her which hit her on the right side of her forehead and the unidentified persons gave stick blows to her. Thereafter, the said persons gave stick blows to him on his head and back. Beatings were also given to his nephew Dharminder Singh with sticks. His brother Bhag Singh went to the roof and started shouting on which the accused fled away from the spot. The injured were got admitted in hospital.

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. In fact, the petitioner was working with the Sashastra Seema Bal and had come back from Assam on his annual leave and came to be implicated. The occurrence had allegedly taken place on 10.06.2023 whereas the FIR came to be lodged only after two days on 12.06.2023. Therefore, it was apparent that the petitioner had been falsely implicated. Tejpreet Kaur had extra-marital relations with the petitioner and wanted to leave her matrimonial home on that day which was objected to by her in-laws. The quarrel had taken place between the family members and the complainant had himself inflicted the alleged injuries on the person of

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Tejpreet Kaur. Be that as it may, as the petitioner was in custody since 25.08.2023 and the investigation stood completed, he was entitled to the concession of bail moreso when in the one other case registered against him bearing FIR No.40 dated 18.07.2023, he had been granted the similar relief.

4. On the other hand, the learned State counsel contends that the petitioner is the main accused. Serious allegations have been levelled against him of having inflicted injuries on the person of Tejpreet Kaur. Therefore, the petitioner was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 25.08.2023, none of the 13 prosecution witnesses had been examined so far and that in FIR No.40 dated 18.07.2023, he has been granted the concession of bail.

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

6. The veracity of the prosecution case against the petitioner shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is stated to be in custody since 25.08.2023, the report under Section 173 Cr.P.C. stands submitted but none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As such, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mandeep Singh son of Sarvan Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the

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State would be at liberty to move an application for cancellation of bail granted vide this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

12.10.2023

JITESH

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