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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-49385-2023(O&M)

Date of decision: 05.10.2023

Amrit Singh

...Petitioner

VS

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE ARUN MONGA

Present: Mr. Aminder Singh, Advocate,
For the petitioners.

Mr. Hakam Singh, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Aggrieved by being denied bail by the learned trial Court, the petitioner seeks his release as an undertrial in a case bearing FIR No.51 dated 16.04.2023, registered under Sections 379-B, 323, 325, 341, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC) (Section 307 IPC added later on) at Moonak Police Station in District Sangrur.

2. The First Information Report (FIR) was registered based on the statement of Chamkaur Singh. He stated that he is an agriculturist and on 15.04.2023, he and his wife, Paramjit Kaur, were traveling on their motorcycle. When they reached near village Balran, an Alto car with occupants, including Gudda Singh, Kala Singh, Jasvir Singh, and Gurlal, approached them. These individuals were wielding iron rods/gandasas. Gudda Singh threatened Chamkaur Singh, and subsequently, Gudda Singh, Gurlal Singh, and Jasvir Singh attacked him with iron rods. Gudda Singh then snatched Chamkaur Singh's mobile phone, followed by Kala Singh, who also hit Chamkaur Singh with an iron rod. Upon the alarm raised by the complainant's wife, the assailants fled, leaving Chamkaur Singh injured. An

FIR was registered, and a supplementary statement of Chamkaur Singh also named Amrik Singh (the Petitioner) and one unknown person.

3. Learned counsel for the petitioner contends that no specific role has been attributed to the petitioner other than the allegation that he happened to be present as part of the unlawful assembly in which the prime accused were also present and committed the offense. He further submits that in any case, the allegations of causing injury to the complainant are attributed to Gudda Singh, Kala Singh, Gurlal Singh, and Jasvir Singh. He further points out that regarding the snatching of the mobile phone, for which Section 379(B) followed by Section 201 IPC were added subsequently, the said allegation is also attributed to co-accused Gudda Singh.

3.1 He further contends that no offense under Section 307 IPC is made out against the petitioner as there is no allegation that the petitioner inflicted any injury to the complainant.

3.2 He further submits that the petitioner was not initially named in the FIR. His name was added in the supplementary statement of the complainant. The complainant has falsely implicated the petitioner as an afterthought. Nothing is to be recovered from the petitioner, and he has no prior convictions.

4. On the contrary, learned State counsel strenuously opposes the petition, expressing concerns about the possibility of the petitioner fleeing from trial proceedings if granted bail. He submits that the allegations against the petitioner are serious.

5. I have heard the rival arguments and reviewed the case file.

6. In response to a query from the Court, under instructions from ASI Gurmeet Singh, learned State counsel informs that the challan has been filed. Thus, the investigation regarding the petitioner is complete, and he is not

required for custodial interrogation. However, he submits that no other case is pending against him.

7. At this stage, the allegations against the petitioner are subject to trial. The trial's progress has been slow, and it is anticipated to take a considerable amount of time. Bail serves the purpose of allowing an accused to remain free until their guilt or innocence is determined. In contrast, the petitioner has been in detention since April 16, 2023, for more than 5½ months.

8. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses.

9. The petitioner is stated to be a 27-year-old family person and the sole breadwinner of his family. He has already lost his livelihood due to prolonged incarceration. Having a family to look after, a fixed abode, and a clean record, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

10. Considering the overall scenario, 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 by keeping the petitioner in further preventive custody.

11. Accordingly, the petitioner is ordered to be released on bail upon furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court, where his case is being tried, and in case they are not available, before the learned Duty Judge, as the case may be.

12. In case the petitioner is found involved or gets involved in any offense while on bail, the prosecution shall be at liberty to seek the 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 the merits of the case, as they are for the limited purpose of the bail hearing alone, and the learned trial Court shall proceed without being influenced by this order.

14. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

05.10.2023
Vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No