

CRM-M-49542-2023 (O&M)

235

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49542-2023 (O&M)

Date of decision: October 10, 2023

Manjit Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Pratham Sethi, Advocate for petitioner.

Mr. Mohit Thakur, AAG Punjab.

Mr. Bipan Ghai, Senior Advocate with
 Mr. Nikhil Ghai, Advocate,
 Mr. P.S. Bindra, Advocate for the complainant.

ARUN MONGA, J. (ORAL)

Following the denial of bail by the learned trial Court, the petitioner is now before this Court seeking his release as an undertrial in a case FIR No.57 dated 25.06.2023, registered under Sections 323, 324, 341, 506 read with Section 34 of the Indian Penal code, 1860 (hereinafter referred to as 'IPC') (Section 307 of IPC added later on vide G.D. No.19, on 27.06.2023), at the Chhajali, Police Station in Sangrur.

2. The prosecution's case is that an FIR was registered based on the statement of one Narinderpal Singh. On June 24, 2023, around 10:00 p.m., Narinderpal Singh, accompanied by his father Gurmeet Singh, was in his fields when his uncle Manjit Singh (petitioner), wielding a sword, his son Kulwinder Singh armed with a *kirch*, and their servant Makhan Singh, holding a stick, arrived and initiated a confrontation. Kulwinder Singh, with the intent to harm Narinderpal Singh, struck him with the *kirch*, and the petitioner also attacked him. Makhan Singh hit him with sticks when Narinderpal Singh fell down. Upon hearing the commotion, Gurmeet Singh, the father of Narinderpal Singh, arrived, and at that point, the aforementioned assailants fled the scene. An FIR was subsequently registered. During the investigation, co-accused Manjit Singh was arrested on June 25, 2023. Later, on June 27, 2023, the petitioner was also arrested, and he

CRM-M-49542-2023 (O&M)

admitted to using the sword in the crime, which he handed over to his son Kulwinder Singh.

3. Learned counsel for the petitioner argues that on June 24, 2023, due to an ongoing family dispute, all family members caused injuries to each other. The FIR in question was registered at the request of the petitioner's nephew, and G.D. No.20 was registered at the request of the petitioner's son. Based on a statement from Piara Singh, Section 307 of the IPC was added. The counsel further contends that this case involves conflicting accounts, and the veracity of the complainant's allegations will be a subject of debate during the trial. It's worth noting that the petitioner's son also sustained injuries during the incident, which were not disclosed in the complainant's FIR. The counsel also alleges that the police investigation may have been influenced by the complainant's father and father-in-law, both retired as Inspector and Assistant Sub Inspector, respectively, who allegedly pressured doctors into deeming the injuries on the complainant's body as life-threatening, as per the opinion of the board of doctors dated August 05, 2023.

3.1. The learned counsel submits that the petitioner, at the age of 70, allegedly caused injuries to a non-vital part of the body. Thus, the petitioner has been falsely implicated in this case.

4. Per contra, the learned State counsel vehemently opposes the petition, expressing concerns about the petitioner potentially fleeing during trial proceedings if granted bail. He contends that the allegations against the petitioner are grave. The petitioner, along with co-accused, inflicted four injuries on the complainant with the intention to kill him, using their respective weapons. Injuries No.1 and 2 were deemed grievous and life-threatening, injury No.3 as grievous, and injury No.4 as simple. Injuries No.3 and 4 are attributed to the petitioner, with injury No.3 being declared grievous in nature, caused by a *kirpan*, which the petitioner subsequently handed over to his son and co-accused, Kulwinder Singh. The counsel further informs that the petitioner has been involved in five other cases, having been acquitted in four and convicted in one.

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

CRM-M-49542-2023 (O&M)

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

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 June 27, 2023, for more than 03 months.

8. The petitioner's continued preventive custody is based on an unsubstantiated suspicion that he might tamper with evidence or influence witnesses. There is no probability of tampering with evidence as it has already been seized by the investigating agency.

9. Be that as it may, the offence allegedly committed by the petitioner is non-violent in nature, and in that sense, his release on bail does not pose a threat to society at large in terms of committing any violent crime.

10. The petitioner is stated to be a 70-year-old senior citizen having family to look after. Being a family man and having a family to look after, a fixed abode, it is unlikely that he poses any flight risk and/or will flee from trial proceedings.

11. 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.

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

13. 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.

CRM-M-49542-2023 (O&M)

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

(ARUN MONGA)
JUDGE

October 10, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No