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210 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-49430-2023 (O&M)
Date of Decision: 30.11.2023

HARPREET SINGH @ HONEY

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lakshay Bector, Advocate and
Ms. Taanvi Dhull, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 116 dated 09.08.2023 registered under Sections 324, 323, 341, 506 and 34 of Indian Penal Code (Section 326 of IPC added later on) at Police Station Sadar Raikot, Ludhiana.

2. The FIR was lodged on the statement of complainant-Sukhdev Singh on the allegations that on 07.08.2023 at around 7-7.30 PM, Lovpreet Singh, Harjit Singh and one unknown person armed with *Gandasi* had attacked him, his son Rajvir Singh and other family members. The motive given for the alleged attack is old enmity with regard to filling of water from the tap of Municipality.

3. Learned counsel for the petitioner inter alia contends that the perusal of the FIR indicates that it was registered against three persons

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the complainant made a supplementary statement and in that statement, name of the petitioner was mentioned on 09.08.2023. The injuries attributed to the petitioner is on the non-vital part and injury attracting the offence under Section 326 of IPC is not attributed to the petitioner and the petitioner is behind the bars since 12.08.2023. It is further submitted that one co-accused namely Pardeep Kaur has been granted regular bail by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 08.09.2023 (Annexure P-2). The case is triable by Magistrate and the trial of the case is likely to long time.

3. Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that he has been specifically named in the FIR and there has been specific attribution made by the complainant. As such he does not deserve the concession of regular bail.

4. I have heard learned counsel for the parties and have gone through the case file.

5. Keeping in view the fact that the petitioner is in custody since 12.08.2023, trial of the case is likely to take long time as, none out of 14 prosecution witnesses has been examined so far. Culpability, if any, would be determined at the time of trial. Therefore, without commenting on the merits of the case lest it may prejudice the outcome of the case pending before the trial Court and in view of the law laid down by Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI (2022) 10 SCC 51***, petitioner-Harpreet Singh @ Honey is ordered to released on regular bail subject to his furnishing requisite bail bonds/surety bonds

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to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

8. The petition is allowed.

30.11.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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