

210/3 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50313-2023

Date of Decision:16.11.2023

Hardeep Singh and another

...Petitioners

vs.

State of Punjab

...Respondent

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

Present : Mr. Ankush Singla, Advocate,
for the petitioners.

Mr. Amish Sharma, Assistant Advocate General, Punjab.

Mr. P.S.Sekhon, Advocate for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioners have filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to them in case FIR No.222 dated 07.11.2022 registered under Sections 323, 341, 148, 149 of IPC (offence u/s 325 IPC added later on) (offence u/s 308 IPC added later on), at Police Station City Budhlada, District Mansa.

2. Learned counsel for the petitioners submits that initially the FIR was registered under Sections 323, 341, 148 and 149 of IPC. However, on the next day, the offence under Section 325 IPC was added wrongly. Learned counsel further submits that the offence under Section 308 IPC has been added in the present case after 10 months of registration of the FIR, without any further evidence/medical report. He further contends that in the present case, the petitioner No.1 has been shown to be simply present at the place of occurrence and no specific role has been attributed to him. He further contends that

petitioner No.2 has been attributed only one injury to Gurmeet Singh, injured, which is simple in nature. He next contends that the petitioners were arrested in the present case on 30.08.2023 and challan has already been presented before the Court. Thus, the custody of the petitioners will not serve any meaningful purpose.

3. On the other hand, learned State counsel, on instructions from ASI Sukhpal Singh and learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are specific allegations against both the petitioners and had actively participated in the commission of crime.

4. I have heard learned counsel for the parties and perused the record.

5. Even though, the petitioners are specifically named in the FIR, but no specific role has been assigned to petitioner No.1 and only a simple injury to Gurmeet Singh has been attributed to petitioner No.2. Both the petitioners are in custody for the last about 02 and a half months and challan has already been presented in the present case.

6. Without commenting any further on the merits of the case, the petition is allowed and the petitioners are ordered to be released on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

- (i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*

- (iii) *The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) *The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to them.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioners.*

16.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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