

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

CRM-M-50631-2023

Date of Decision: 12.10.2023

Chhinder Pal @ Chhindi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jaswinder Singh Grewal, Advocate, for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present third petition is for the grant of regular bail to the petitioner in a case FIR No.137 dated 22.11.2022, registered under Sections 452, 324, 34 IPC (Sections 473, 411 IPC added lateron), at Police Station Khuhian Sarwar, Tehsil Abohar, District Fazilka.

Adumbrated facts of the case are that statement of Angrej Singh son of Sampuran Singh was recorded, wherein, he alleged that on 20.11.2022 at 7:30 p.m., when he returned from his work and parked his motorcycle in his courtyard, Chhinderpal Singh @ Chhindi (petitioner), Gurwinder Singh @ Gindi, Rangpal Singh @ Rangi and Kakkan Singh, who were standing in the street starting abusing him. It was alleged that when he went outside, he saw Chhinderpal and Kakkan were armed with *kappa* and Gurwinder Singh and Rangpal were armed with baseball bat. Gurwinder Singh gave lalkara and thereafter, Chhinderpal and Kakkan gave *kappa* blows on the complainant which caused injuries on the left side of his head. As a result, the complainant fell down and thereafter, all the assailants gave him kick blows. His wife and *Chacha* took him to the Civil Hospital, Abohar for treatment. Request was made to take legal action

against the accused. On the basis of the same, a formal FIR was registered and the investigation commenced. The complainant was medically examined and statements of all the relevant persons were recorded by the Police. The petitioner was arrested on 03.02.2023. The petitioner approached the Court of Sessions Judge, Fazilka, twice however, the same was declined on 18.04.2023 and 18.08.2023 and the petitioner thereafter, approached this Court twice by way of filing petitions for grant of bail, however, the same were dismissed as withdrawn. Hence, the petitioner has approached this Court again by way of filing the present third petition for grant of bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He has submitted that as per the allegations levelled by the complainant, the petitioner caused *kappa* blows to the complainant, however, the same is not medically corroborated. He submits that even otherwise the alleged injuries caused to the complainant are simple in nature as is evident from the MLR. He submits that though the petitioner is involved in other cases, however, he is on bail in those cases. He submits that registration of the other cases would not dis-entitle the petitioner for grant of bail in the present case. He submits that charges are framed and prosecution evidence has already commenced. He submits that till date the prosecution has not examined even half of the witnesses as cited in the challan and thus, trial is being prolonged for no fault of the petitioner. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and on instructions from ASI Des Raj,

she has submitted that the petitioner is a habitual offender. She submits that there are specific allegations against the petitioner having caused *kappa* blows to the complainant. She submits that the ocular version is also medically corroborated. She submits that as per MLR, injuries caused by the petitioner is simple in nature. She has produced on record the custody certificate of the petitioner and has submitted that the petitioner is involved in other many cases, out of which maximum cases are under the Excise Act. She submits that out of total 17 prosecution witnesses, 3 witnesses have been examined and the case before the trial Court is fixed for 13.10.2023.

Heard.

Evidently, the petitioner is behind bars since 03.02.2023. The allegations against the petitioner that he caused *kappa* blows on the head of the complainant, however, as per MLR, the same are simple in nature. Though as per the custody certificate of the petitioner, he is involved in other cases, however, majority of the cases are under the Excise Act. As submitted before this Court, investigation in the present case is complete and now trial Court has commenced with the recording of the evidence. Out of total 17 prosecution witnesses, only 3 witnesses have already been examined so far. Merely because the petitioner is facing trial in other cases as well, he is not disqualified for consideration of bail in the present case. This Court would refrain itself from commenting anything on merits of the case. However, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time in its conclusion.

Accordingly, the present petition is allowed and the petitioner

is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

It is being clarified that if the petitioner does not furnish bail bonds within a period of 10 days, then his custody would not be counted in this case.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.10.2023
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No