

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54190-2022
Date of decision: 08.05.2023

Ranjit Singh alias Raja ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.129 dated 28.07.2021 under Sections 307/323/324/506/383/384/379-B/148/149 of IPC, 1860 registered at Police Station Nakodar City, District Jalandhar Rural (Annexure P-1).

2. Learned State counsel has filed the status report dated 08.05.2023 which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

3. The brief facts of the prosecution case are that the present FIR has been registered on the statement of complainant Shah Nawab wherein he stated that he is running a fruit shop on Noormahal Road, Nakodar. On 28.07.2021 at about 05:00 P.M, he was present in the shop, at that time, Satnam Singh @ Satta, resident of village Kang Sahib Rai alongwith 7/8 other persons armed with deadly weapons like *dattar*, base bats etc. came at his shop on three motorcycles and demanded money from him. When he refused to give the money, all of them, with an intention to kill him, assaulted him with 'Datars' and Base bats. As per the complainant, Satnam Singh @ Satta gave a 'Datar'

blow on him and to save him from the said blow, he raised his left elbow and the 'Datar' hit his left elbow. Thereafter Satnam Singh alias Satta again inflicted 'Datar' towards his head and when to save him, he raised his right arm, the 'Datar' hit his right elbow. Thereafter the persons accompanying Satnam Singh @ Satta assaulted him with Base bats and caused injuries on his head. One of said persons inflicted 'Kirpan' blow and when he raised his left arm toward the blow of 'Kirpan' and the 'Kirpan' hit at the wrist of his left arm. Thereafter all the said persons ran away from the spot. The entire occurrence was captured in CCTV Camera. During investigation of this case, ASI Balwinder Singh alongwith other police officials on the basis of secret information arrested Sunny son of Jarnail Ram, Jatinder Singh son of Satnam Singh, Ranjit Singh (petitioner) and Sandeep Singh @ Gopa. On their disclosure statements, motorcycle make Platina, Base bats and wooden logs were recovered. They also confessed that they were accompanied by Satnam Singh @ Satta, Balwinder Singh and Stephen.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the main allegations levelled against one of the co-accused namely Satnam Singh @ Satta and as per FIR, he was accompanied by 7-8 more persons, who had attacked the complainant. Learned counsel for the petitioner further submits that the petitioner has been nominated on the basis of disclosure statement of co-accused and even as per the FIR there was CCTV footage recording also. Nobody has been identified till date. He further submits that other similarly situated co-accused namely Jatinder Singh and Sandeep have already been extended benefit of regular bail in CRM-M-569-2022 on 17.02.2022 and Satifan @ Satifan Singh has been extended benefit of regular bail in CRM-M-51892-2022 on 17.03.2023 by a co-ordinate Bench of this Court. He further

submits that even as per the stand taken by the State in the aforesaid petition filed by the co-accused that the identification could not be done from the CCTV footage because allegedly the assailants were having muffled faces. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 15 witnesses none has been examined as yet. He further submits that in view of the aforesaid facts and circumstances of the case and considering the custody of the petitioner who is in custody since 11.08.2021 he may be granted concession of regular bail. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

5. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner. However, he could not dispute that the petitioner is in custody since 11.08.2021; other co-accused have already been extended benefit of regular bail by a co-ordinate Bench of this Court; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 15 witnesses none has been examined and he is not involved in any other case.

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

7. Keeping in view the custody period of the petitioner, which is about 01 year 08 months 29 days; co-accused namely Jatinder Singh and Sandeep, Satifan @ Satifan Singh have already been extended benefit of regular bail by a co-ordinate Bench of this Court; investigation is complete; challan has been presented; charges have been framed and out of 15 witnesses, none witness has been examined; no recovery has been effected from the petitioner; petitioner is not involved in any other case and trial is likely to take a

considerable time resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.
9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

08.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No