

228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52173-2023

Date of Decision: 30.11.2023

Harjit Singh @ Sagar and another

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Lakshay Bector, Advocate
for the petitioners.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

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.116 dated 09.08.2023 registered under Sections 324, 323, 341, 506 read with Section 34 of IPC and Section 326 IPC was added later on, at Police Station Sadar Raikot, Ludhiana.

2. The FIR in the present case has been registered on the basis of the statement made by complainant Sukhdev Singh son of Bachan Singh. As per case of the prosecution, Harjit Singh alias Sagar and Lovepreet Singh along with their co-accused Harpreet Singh had attacked on Rajvir Singh and his family members and all the three accused were armed with 'gandasis'. As per the complainant, Harjit Singh, accused had caused injuries on the temple of Rajvir Singh by means of 'gandasi' and also caused injuries on the left wrist of Rajwinder Kaur by means of 'kirpan' while Lovepreet Singh caused injuries on the back side of left shoulder and on the back of Rajvir Singh and also caused injuries on the head of complainant by means of 'gandasi'. In fact, Rajvir Singh, Sukhdev Singh and Rajwinder Kaur were the members of same family.

3. Learned counsel for the petitioners submits that the petitioners were arrested in the present case on 12.08.2023 and are in custody since then. He further contends that the prosecution version was recorded after two days of the occurrence and is full of embellishments and improvements. Learned counsel further submits that Pardeep Kaur, who was also named in the FIR (Annexure P-1), has also been granted bail by the Court of Additional Sessions Judge, Ludhiana, vide order dated 08.09.2023. He further contends that the petitioners are first offenders and deserve the concession of bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that there are serious allegations against them.

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

6. In the present case, the petitioners are in custody for the last more than 03 months and 17 days. Moreover, challan has already been presented before the Competent Court and co-accused Pardeep Kaur has been granted the concession of bail by the Additional Sessions Judge, Ludhiana. Moreover, all offences are triable by the Court of Magistrate and no useful purpose will be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

30.11.2023
hemlata

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