

CRM-M-53741-2023

2023:PHHC:139707

-1-

(257)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53741-2023

Date of Decision: 02.11.2023

BUTA SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Harish Sharma, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.47 dated 13.07.2023 registered under Sections 307, 324, 323, 341, 506, 34 IPC at Police Station City Raikot, District Ludhiana.

2. The present FIR came to be registered at the instance of Harpreet Singh alias Happy son of Charanjit Singh who stated that on 13.07.2023 when he was going to his house then Prem Singh son of Ramesh Kumar along with Gurjit Singh son of Gurjant Singh, Buta Singh (petitioner) son of Nahar Singh and one unknown person started abusing and threatening him. While he was walking towards the bus stand, four persons started chasing him along with their weapons. Thereafter, they blocked his way. Prem Singh raised a Lalkara and asked his companions to kill him (complainant). Upon that Gurjit Singh gave him a Kirpan blow with an intention to kill him which struck his left palm. Buta Singh (petitioner) gave him a Kirpan blow with an

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intention to kill him which struck his left elbow. Then Gurjit Singh gave a Kirpan blow on his left upper palm and Prem Singh gave a Dang blow on his left leg. On raising a hue and cry, his father came to the spot and all the four accused ran away. The cause of the enmity was that Prem Singh was interfering in the management of the Gurdwara Sahib and on 12.07.2023 he (Prem Singh) had threatened them (complainant party) regarding the management of the said Gurdwara.

3. The learned counsel for the petitioner contends that only a simple injury has been attributed to the petitioner. In fact, all the injuries received by the complainant-injured are simple in nature and Section 307 IPC has been invoked on account of intention alone. As the petitioner was in custody since 13.07.2023, none of the 08 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner and his co-accused assaulted the complainant and caused injuries to him. Therefore, the manner of the assault did not entitle the petitioner to the grant of bail. She, however, concedes that the injury caused by the petitioner is simple in nature, that the petitioner was in custody since 13.07.2023, none of the 08 of the prosecution witnesses had been examined so far and that he was a first-time offender.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since

13.07.2023 and none of the 08 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Buta Singh son of Nahar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

02.11.2023

JITESH

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