

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

CRM-M No.57839 of 2023

Date of order: 22nd November, 2023

Gursahib Singh @ Ginni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.40 dated 11.02.2022 under Sections 307, 341, 323, 427, 506, 148, 149 IPC registered at Police Station Sadar Samana, District Patiala. This is the second petition filed by the petitioner.

2. On a pointed query put to the learned counsel for the petitioner as to what was the material change in circumstances which would warrant acceptance of the instant petition after the previous petition was withdrawn, it has been submitted that the complainant, while stepping into the witness box had failed to support the case of the prosecution, as a result of which he was declared hostile. Learned counsel, thus, submits that in the circumstances, it was evident that a false and fabricated case had been planted upon the petitioner on the

allegations of having inflicted injuries with an iron rod on the person of injured Pardeep Singh, which in turn were opined to be dangerous to life. Learned counsel submits that since only three witnesses cited by the prosecution, including the complainant have been examined, the trial would take considerable time to conclude and hence, the petitioner be extended the concession of bail, as his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the complainant had indeed resiled during trial as he had failed to identify the petitioner, who has been attributed the main role in the crime in question. However, it has been submitted that the material witness in the case in hand is not the complainant but the injured Pardeep Singh, whose condition continues to be serious and he had not yet been examined by the trial Court. Learned State counsel has further submitted that the injured had been inflicted multiple injuries with an iron rod on the head and other parts of the body, as a result of which, he had slipped into coma and it was only recently that his condition has improved slightly.

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

5. Prima facie, it comes across as a premeditated attack which was launched by the petitioner and other accused, who were all armed

with lethal weapons. The petitioner has been attributed most of the injuries on the person of injured Pardeep Singh including the injuries which were opined to be dangerous to life. The contention of learned counsel for the petitioner that since the complainant had been examined and had also resiled and thus the petitioner be extended the concession of bail, deserves to be rejected outright because it is the injured Pardeep Singh alone who would be the material witness in the case in hand. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 22, 2023
rps

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