

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

**CRM-M-55927-2023**

**Date of Decision:15.11.2023**

Harpreet Singh @ Khadku

...Petitioner

vs.

State of Punjab

...Respondent

**Coram : Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Karandeep Singh, Advocate  
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

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**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 46 dated 17.04.2023 registered under Sections 395,324,323 of IPC (offence under Sections 397, 326, 201 IPC added later on) Police Station Khuian Sarwar, District Fazilka (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement made by Milkh Raj, complainant. As per him, on 16.04.2023, he along with Deepak Kumar were proceeding on two wheeler after finishing their work at about 10:00 PM, a motorcycle driven by Sandeep Singh had hit his motorcycle from behind and Harpreet Singh @ Kharku and one unknown person were pillion rider on the said motorcycle. Lovejeet Singh, was riding on another motorcycle with an unknown person. On stopping, Sandeep Singh inflicted a blow with Kappa on the left hand of the complainant and Harpreet

Singh @ Kharku inflicted blow with a stick on the left wrist of the complainant, who fell down. Lovejeet Singh, accused also inflicted a blow with lathi, while using a thrustwise, on the chest of the complainant and the unidentified young person also inflicted a blow with a stick on the left arm of the complainant and caused injuries to the complainant. Deepak Kumar, who was with the complainant, raised hue and cry to save them. Kuldeep Singh also inflicted stick blows on the back of the Deepak Kumar and Sandeep Singh held right pocket of complainant and tore it away and snatched Rs.48,000/- lying in the said pocket. Harpreet Singh @ Kharku snatched a small bag carried by the complainant, containing his documents and mobile phone and thereafter, all the assailants fled away from the spot. As per the complainant, the names of two unidentified persons were later on known as Gurlal Singh @ Lali and Kuldeep Singh @ Raju.

3. Learned counsel for the petitioner submits that the only role, which is assigned to the present petitioner is that he had caused a blow with a stick on the left wrist of the complainant and the petitioner had allegedly snatched a small bag from the complainant, which contained the documents and mobile phone of the complainant. Learned counsel for the petitioner has referred the copy of the MLR (Annexure P-2) and GD No.38 dated 26.04.2023 (Annexure P-3) to contend that the injury No.2 which is attributed to the petitioner is simple in nature and the injury, which attracted the offence under Section 326 IPC, was not attributed to him. Learned counsel for the petitioner further contends that the petitioner was arrested on 02.05.2023 and he is in custody for the last more than six months.

4. On the other hand, learned State counsel has vehemently opposed

the prayer made by learned counsel for the petitioner on the ground that the petitioner was part of the unlawful assembly, which had caused serious injuries to Deepak Kumar and Milakh Raj. However, he admits that co-accused Lovejeet Singh @ Raju has already been granted the concession of bail by this Court vide order dated 17.10.2023. Learned State counsel also admits that out of 19 witnesses, no witness has been examined so far.

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

6. The petitioner was arrested in the present case on 02.05.2023 and is incarcerated for the last six months. Even though, one more case under Excise Act was registered against the petitioner, but he is on bail in the said case. Even the injury attributed to the present petitioner was simple in nature and the further custody of the petitioner will serve no meaningful purpose.

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

15.11.2023  
*hitesh*

**(N.S.SHEKHAWAT)**  
**JUDGE**

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