

230 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58316-2022
Date of Decision: 23.03.2023

Kahan Singh @ Kanha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Ms. G.K. Mann, Senior Advocate assisted by
Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.258 dated 18.09.2022, under Sections 120-B, 148, 149, 307, 323, 324, 325, 341 and 506 of the Indian Penal Code, registered at Police Station Jandiala, Amritsar Rural, District Amritsar.

A Status Report by way of Affidavit of Mr. Gurmeet Singh, P.P.S., Deputy Superintendent of Police, Head Quarters, Amritsar (Rural) has been filed on behalf of the State of Punjab.

Succinctly, the aforesaid FIR was registered on the basis of statement of complainant, namely Manpreet Singh s/o Jaswant Singh, wherein it was alleged that on 17.09.2022 at about 10:00-10:30 A.M., when the complainant was at his house, he received a phone call from his friend,

namely Robinjeet @ Robin, stating that he is being surrounded by Sunny and Raja at the Bus Stand, Meharbanpura, whereupon the complainant went to the said Bus Stand on his motorcycle, however on reaching there, he got to know that his friend Robinjeet @ Robin has gone towards the petrol pump in front of the Coca Cola Factory and the complainant along with his other friends, namely Gurbax Singh and Satnam Singh, also reached the spot and saw that Akashdeep Singh @ Kujja armed with *kirpan*, Man Singh @ Manna armed with *kirpan*, Kahan Singh @ Kanha armed with *kirpan*, Sunny Singh empty handed, Manna empty handed, Partap Singh @ Punjab armed with iron rod and Raja had surrounded the aforesaid Robinjeet @ Robin. Thereafter, Maan Singh and Kahan Singh @ Kanha (petitioner herein) gave blows with their respective *kirpans* to Robinjeet @ Robin and when the complainant, Gurbax Singh and Satnam Singh tried to stop them then Akashdeep Singh @ Kujja gave a *kirpan* blow towards the head of complainant with an intention to kill him, which hit on the middle of his head and he fell down and the aforesaid aggressors gave many injuries to Gurbax Singh and Satnam Singh. Thereafter, Kahan Singh @ Kanha (petitioner herein) raised a *lalkara* to kill all four of them (complainant and his friends) and attacked the complainant with reverse side of his *kirpan* which hit on the left side of his abdomen. Thereupon, the complainant along with his friends raised alarm, which attracted the passerby and they started gathering at the spot, whereupon Akashdeep Singh and Maan Singh extended threats to the complainant and his friends to kill them and all the accused persons fled away from the spot. Thereafter, the complainant and his friends were admitted to the Civil Hospital, Manawala, whereupon seeing the condition of Gurbax Singh and Satnam Singh, the doctor referred

them to GNDU Hospital, Amritsar. It is stated that the reason of grudge between the complainant and his friends with the accused persons is that the complainant along with his friends had caste votes to the opposite party of the accused persons in the Panchayat elections, hence, the accused persons in connivance with each other and on instigation of Sarpanch Jagjit Singh @ Jaggi had caused injuries to the complainant and his friends.

Learned counsel for the petitioner submits that the petitioner has been implicated in the present FIR No.258 dated 18.09.2022 on the basis of statement of complainant, namely Manpreet Singh s/o Jaswant Singh. It is further submitted that the petitioner is alleged to have given a reverse *kirpan* blow on the left side of abdomen of the complainant, however, there is no such injury suffered by the complainant and there is only a contusion on the back of left shoulder of the complainant, which has also been declared as simple in nature and to substantiate the same, copies of Medico Legal Report of the complainant and opinion of the Medical Officer regarding the injuries suffered by complainant are annexed as Annexures P-2 and P-3, respectively, with the present petition. It is stated that except for the injury inflicted on the index finger of left hand of Satnam Singh, which would at best attract Section 325 of the Indian Penal Code, which is otherwise bailable in nature, no other injuries inflicted on the complainant and his friends is declared to be grievous in nature, thus Section 307 of the Indian Penal Code is not at all attracted in the present case. Copies of Medico Legal Reports and Opinions of Medical Officers with regard to the injuries suffered by Manpreet Singh, Robinjeet @ Robin, Gurbax Singh and Satnam Singh are attached as Annexures P-4 to P-9 with the present petition. It is stated that the application for grant of regular bail

moved by the petitioner before the Court of Additional Sessions Judge, Amritsar, was wrongly declined vide order dated 23.11.2022 (Annexure P-10). It is submitted that the petitioner is in custody since 02.10.2022, investigation of case is complete, challan has already been submitted on 03.01.2023, however, charges have not been framed so far and conclusion of trial will take some time. It is next submitted that the co-accused, namely Raja and Sunny, have already been granted regular bail and also the co-accused, namely Maana Singh @ Manna @ Lovedeep Singh, has been granted anticipatory bail. Learned counsel submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offences, however, he does not dispute the facts that the petitioner is in custody since 02.10.2022; investigation in this case is complete, challan stands submitted and charges have not yet been framed. It is also not disputed that some co-accused have been granted bail.

I have heard learned counsel for the parties and perused the paper book as well as status report with their able assistance.

In this case, the petitioner is in custody since 02.10.2022. Investigation in this case is complete, challan stands presented on 03.01.2023 and charges are yet to be framed. Hence, trial in the case is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars for an indefinite period of time. Moreover, as per status report, the injuries attributed to the petitioner have been declared

simple in nature. Further, the co-accused, namely Raja and Sunny, have been granted the concession of regular bail and another co-accused, namely Maana Singh @ Manna @ Lovedeep Singh, has been granted the concession of anticipatory bail.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on first Monday of every month till the conclusion of trial.

In addition, the petitioner (or anyone on his behalf) shall prepare a Fixed Deposit Receipt (F.D.R.) in the sum of Rs.1,00,000/- and submit the same with the trial Court. The same would be liable to be forfeited as per law in case the petitioner remains absent from trial without any sufficient cause.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded

above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

23.03.2023

Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No