

2023:PHHC:147180

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-57011 of 2023
Date of Decision: 20.11.2023

Gurlal Singh @ Lali

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ashok Kumar Khunger, Advocate for the petitioner.

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

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0046 dated 17.04.2023 registered under Sections 395, 324 and 323 IPC (offence under Sections 397, 326, 201, 148 and 149 IPC added subsequently) at Police Station Khuian Sarwar, District Fazilka.

2. The FIR in the present case was registered on the basis of the statement made by Milk 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, petitioner and Kuldeep Singh @ Raju.

3. Learned counsel for the petitioner contends that as per the case of the prosecution, the petitioner had caused an injury with a stick on the left elbow of the complainant. He further contends that the injury, which attracted the offence under Section 326 IPC, is attributed to Sandeep Singh, non-applicant and he is in jail in the present case. The petitioner was arrested in the present case on 17.04.2023 and is in custody for the last more than 07 months. He

next contends that similarly placed co-accused Lovejeet Singh @ Raju has already been granted the concession of bail by this Court vide order dated 17.10.2023 (Annexure P-2) passed by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are four more criminal cases registered against the present petitioner. However, he admits that he is on bail in those cases.

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

6. From the record, it is apparent that the petitioner was arrested on 17.04.2023 and the challan has already been presented. Apart from that similarly placed co-accused Lovejeet Singh @ Raju has already been granted the concession of bail by this Court vide order dated 17.10.2023 (Annexure P-2) passed by this Court.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

20.11.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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