

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

CRM M-60623 of 2023

Date of Decision: 07.12.2023

Sandeep Kumar @ Sippy and
another

...Petitioners

Vs.

State of Punjab

...Respondent

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

Present : Mr. G.S. Sandhu, Advocate for the petitioners.
Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.112 dated 30.07.2022 registered under Sections 324, 323, 341, 506, 148 and 149 IPC (Section 307 IPC added later on) at Police Station Sadar, District Patiala.

2. The FIR in the present was registered on the basis of the statement made by Kabal Singh and the same is reproduced as below:-

"Statement of Kabal Singh son of Surjit Singh resident of Village Fatehpur Jattan Police Station Sadar Patiala aged about 31 years mobile No.90238-70082, states that I am resident of aforesaid address and is agriculturist by profession. I am married and I am having one son. After getting free from work I used to go to gym at Village

Chamar Hedi from my village daily and today I had gone from my house at 4 p.m. on my motor cycle No.PB11AG3695 Super Splendor and after doing gym at about 5:15pm I was returning to my village on my motorcycle and when I was passing through village Kauli and reached outskirts of village, then Jyoti, Sipi, Bony and Sony along with three other unknown boys encircled me. When I asked Jyoti about the reason for the same, then Jyoti gave Kirpan blow on my left leg and gave three four blows with Kirpan on my both legs and Sipi gave blow with iron rod on my chest, and Bony gave Kirpan blow on my right leg. The unknown boys also gave me beatings. I raised alarm then people started gathering there, but the above persons were extending threats to me in case I will lodge any report with police, then they will shoot me. The above persons have committed attempt to kill me. Action be taken against above persons. I have got recorded my statement to you, read it, heard it which is correct.

Sd/- Kabal Singh.

3. Learned counsel for the petitioners contends that the petitioners in the present case were arrested on 19.07.2023 and are in custody for the last 04 months and 19 days. He further contends that the police has presented the final report under Section 173 Cr.P.C. and the charge is yet to be framed against them by the trial Court. Learned counsel further contends that the petitioner No. 1 is not involved in any other case, however, the petitioner No. 2 has been implicated in one more case under Sections 323, 341 and 506 IPC. However, the

petitioner No. 2 is on bail in the said case. He further contends that the injured in the present case has already been discharged.

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

5. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioners on the ground that there are serious allegations against the petitioners and the petitioners are not entitled for the concession of regular bail.

6. The petitioners are in custody for the last more than 04 months and the final report has already been presented before the competent Court. The injured in the present case has already been discharged and the conclusion of the trial may take quite a long time.

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

07.12.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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