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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4279-2024

Date of decision: 4th April, 2024

Harwinder Singh @ Harry

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Bali, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in GD No. 52 dated 18.05.2023 under Sections 30, 323, 324, 506, 148 and 149 of Indian Penal Code, 1860 (for short ‘IPC’) in FIR No. 215 dated 17.05.2023 registered under Sections 307, 323, 324, 354, 34, 506 and 341 of IPC at Police Station Division No.7, District Ludhiana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned GD was registered on the basis of statement recorded by the complainant Gurmeet Kaur on 15.03.2023 alleging therein that some youths and ladies were found standing in front of their house. Her son Bhupinder Singh@ Bhinda had told them not to stand in the street. Sometime thereafter, the present petitioner along with other co-

accused and some unknown members started abusing the son of the complainant. Ten minutes thereafter, all of them opened an assault upon the complainant and her family members, while being armed with weapons. The present petitioner had extended a blow with the *datar* on the left hand of her son Ajit Singh due to which his wrist was got cut and again another blow of *datar* on his head due to which Ajit Singh had become unconscious and had fallen on the ground. The petitioner and co-accused also attributed injuries to his son Bhupinder Singh. On the basis of her statement, the above GDR was recorded as an FIR bearing No. 215 had already been registered on the basis of statement made by Lovepreet Singh who is a friend of the present petitioner. A cross case was registered against the petitioner and his companions. The petitioner was arrested on 09.11.2023. After completion of necessary investigation and usual formalities, challan stands presented before the learned trial Court.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he is in custody for a period of five months. Investigation has been completed. Trial is likely to take time. No useful purpose would be served by keeping him in custody. It is therefore, argued that the petitioner deserves to be given concession of bail.

4. Status report filed by learned State counsel is taken on record. As per the status report, there are serious and specific allegations against the petitioner. Petitioner had extended blows with *datar* on the person of Ajit

Singh son of the complainant with an intention to commit his murder in connivance with the other co-accused. There are chances of his intimidating the witnesses, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The allegations against the petitioner are that he along with the co-accused had opened an assault upon the complainant and her family members and caused injuries to Ajit Singh, son of the complainant. Injuries caused on the person of the injured Ajit Singh was found grievous in nature. No material has been placed on record to show that either of the injuries found on the person of the complainant and his sons are declared to be dangerous to life. An FIR had already been got registered with regard to the same occurrence by Lovepreet Singh, friend of the present petitioner levelling allegations of being assaulted at the hands of the members of the complainant party. Trial is likely to take time. Further detention of the petitioner would not serve any useful purpose. Keeping in view the custody period of the petitioner, nature of allegations as levelled against him and the attendant facts and circumstances of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/

Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th April, 2024
Parveen Sharma

1. Whether speaking/ reasoned : Yes
2. Whether reportable : Yes