

281 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4466-2024

Date of Decision:06.02.2024

Gurmej Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat**Present :** Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, 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 regular bail to him in case FIR No.31 dated 03.05.2014 registered under Sections 307, 323, 324, 326, 379, 382, 148, 149 of IPC and Sections 25, 27 of Arms Act, 1959, at Police Station Harike, District Tarn Taran.

2. Learned counsel for the petitioner contends that even though, the petitioner has been named in the FIR, but no specific attribution was made to him. As per learned counsel, the statement of Rashpal Singh, injured was recorded under Section 161 Cr.P.C. and as per the said statement, the petitioner had caused an injury with *kirpan* on the left knee of Rashpal Singh. Except that, there is no other attribution to the present petitioner. He further contends that the petitioner was declared to be proclaimed offender, but in terms of the order dated 21.12.2022 (Annexure P-10) passed by this Court, the petitioner

had surrendered before the trial Court on 22.12.2023. He further contends that the petitioner is in custody since 22.12.2023 and similarly placed co-ac-cused, Sunder Singh and Harbhajan Singh have already been granted the con-cession of bail by this Court, vide order dated 14.11.2023 passed in CRM-M-34779-2023 (Annexure P-13).

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that Rashpal Singh had sustained 10 injuries and out of those injuries, 6 injuries were opined to have been inflicted by sharp edged weapons and 5 injuries were declared to be grievous in nature. Apart from that, Rashpal Singh had assigned specific role to the present petitioner in the present case.

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

6. It is apparent from the record that the petitioner was arrested in the present case on 22.12.2023 and is in custody since then. Challan has already been presented before the Court and charges have been framed. Thus, only 8 witnesses, out of total 40 witnesses, have been examined so far. Moreover, it is a case of version and cross-version and the complainant side has also been summoned in a complaint case filed by the brother of the petitioner.

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

06.02.2024

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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No