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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-5531-2024 (O & M)
Date of decision: 08.02.2024

Tarandeep Singh @ Tanna Petitioner
V/s
State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. H.S. Oberoi, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.50 dated 26.04.2022 under Sections 307, 323, 324, 506, 148, 149 IPC and Section 25 of the Arms Act registered at Police Station Satnampura, District Kapurthala.

2. The present FIR came to be registered at the instance of Karan Kumar who stated that he was a painter. On 17.04.2022 at about 8.15 p.m., he was present with his friends at Adde Khera Pulli near Gurudwara Jatta Chownk. At that time, Onkar @ Golu, Prince, Munshi (since granted bail vide order dated 02.06.2023 passed in CRM-M-27716-2023), Ballu, Ajay Kumar @ Kalu and 07 unknown persons with *datar*, *kirpans* came on their motorcycles. Onkar @ Golu asked about his health. In the meantime, Golu attacked him (complainant) with a *tokka* on his head with an intention to kill him. Then, Munshi @ Karan attacked him with *dasti khanda* on his

forehead. Then all the others attacked him (complainant) with an intention

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to kill him. He suffered a total of 16 injuries. One Ravinder Singh had witnessed the entire occurrence. On raising an alarm, Onkar @ Golu and Prince who were carrying a pistol stated that they would kill him. Thereafter, they all ran away from the spot. Ravinder and Rajan Kumar got him admitted in the Johal Hospital, Jalandhar. He remained unconscious for three days after which he got recorded his statement.

Pursuant to the arrest of Jaskaran @ Munshi, he disclosed the name of the present petitioner.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. He was not named in the FIR but had been implicated on the basis of a disclosure statement of an arrested accused. Pursuant to the arrest of the petitioner, no recovery had been effected from him. In fact, no injury had also been attributed to him. The FIR had been registered after a considerable delay of 09 days. As Jaskaran @ Munshi who was named in the FIR had been granted the concession of bail, the petitioner was entitled to the similar concession. Even otherwise, he was in custody since 19.08.2023 and none of the 10 prosecution witnesses had been examined so far which would delay the conclusion of the Trial.

4. The learned counsel for the State, on the other hand, contends that the accused had brutally assaulted the complainant-injured who had suffered as many as 16 injuries. Therefore, the nature of the allegations levelled against the petitioner and his co-accused did not entitled him to the grant of bail. He, however, concedes that the petitioner was not named in the FIR but in the disclosure statement of an arrested accused-Jaskaran @ Munshi who has been granted the concession of bail. He also concedes that

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the petitioner was in custody since 19.08.2023, none of the 10 prosecution witnesses had been examined so far and in the three other cases registered against him, he had been granted the concession of bail.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of trial. The petitioner is in custody since 19.08.2023 and none of the 10 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Tarandeep Singh @ Tanna is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

February 08, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No