



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

CRM-M-5894-2024

Date of Decision : **29.07.2024**

KULDEEP SINGH @ GAGAN SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gaurav Partap Singh Pathania, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.84, dated 03.09.2023, under Sections 307, 324 and 506 of the IPC, registered at Police Station Division No.1, District Pathankot.

2. The instant FIR has been registered on a statement made by one Rajesh Thapa, wherein, he alleged that the present petitioner gave a knife blow in his stomach. The relevant extract of the FIR, which is a part of the FIR, reads as under:-

“Stated that I am a resident of the said address and do private driving. Today, on 03.09.2023, at 9:45 a.m. in the morning, I was present at Vishkarma Chowk in locality, and Prem Kumar alias Mesa, son of Thuru Ram, resident of my village Bhadoli Kalan, asked me for beedi. That I took out one beedi from the box of cigarettes and gave it to Prem Kumar. At that time, Kuldeep Singh alias Gagan's son Baldev Singh of my village was also standing nearby, who said that you are showing off that keeping the beedi's in the box of cigarettes. He started abusing me and started pushing and punching me. When I decided to endure and tried to stop him doing so, then he went to his chicken shop and brought

a chicken cutting knife from inside the shop and as soon as he came, he used his hand held datar with the intention of killing me directly in the my stomach. The knife hit on the right side of my stomach and Kuldeep Singh started threatening me loudly and challenged that he will kill me. I screamed loudly that "MAAR DITA", MAAR DITA", hearing to my cry, the people of the locality and my boy Akash Thapa reached the spot, but seeing them coming together, Kuldeep Singh ran away with his hand held weapon. I told the matter to my son, my son Akash Thapa arranged conveyance and took me to Civil Hospital, Pathankot, where Dr. Sahib did my medical and admitted me with an ointment bandage. I am admitted to Civil Hospital Pathankot for my treatment. I have submitted my MLR No SCG/24/PTK/2023 dated 03.09.2023 by myself."

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that the petitioner has clean antecedents, and has suffered incarceration of approximately 11 months as on today.

4. He further submits that there is only one injury which is attributed to the present petitioner, therefore, whether, the offence punishable under Section 307 IPC, is made out or not is a moot question of law which can only be decided by the learned trial court concerned, after examination of the prosecution witnesses.

5. He also submits that though there is a specific allegation against the present petitioner, and he is a sole accused, however, as per the MLR, the injury suffered by the complainant, is not a deep stab wound injury.

6. Finally, he submits that there is only a single knife blow which is attributed to the present petitioner and in case the petitioner had any intention to murder the complainant, he would have given number of knife blows.

7. At this stage, a formal notice is issued to the State, which is accepted by the learned State counsel.

8. He vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner, which reflects that the petitioner has suffered incarceration of 10 months and 19 days, as on today, and he is not involved in any other criminal case.

9. He further submits that the petitioner has given a knife blow to the complainant, with a chicken cutting knife, in the abdomen of the complainant/victim, therefore, his intention is very apparent.

10. He, on instructions imparted to him by the police official concerned, informs this Court that in the instant case, after completion of the investigation, final report has been filed, and charges have been framed on 18.11.2023, and till date only 02 prosecution witnesses out of the total 14 witnesses, have been examined.

11. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

12. Be that as it may be, without going into the merits of the case, considering the fact that the petitioner has suffered incarceration of 10 months and 19 days as on today, and he is not involved in any other criminal case, and further considering the role attributed to the present petitioner and the nature of injury suffered by the complainant, and also the stage of trial, which is at the initial stage, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his

bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

13. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

July 29, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No