

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-5569 of 2024(O&M)
Date of Decision: 05.03.2024

Malandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Japjit Singh Johal, Advocate
For the petitioner.

Mr. Inderjeet Singh Ladher, DAG Punjab.

Mr. Naveen Batra, Advocate and
Mr. Rahul Garg, Advocate
For the complainant.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 325 dated 14.10.2023, registered under Sections 307, 323, 324, 325, 148, 149 and 120-B IPC and Section 25 of Arms Act at Police Station Tanda, District Hoshiarpur.

2. The allegations in nutshell are that on 14.10.2023, 08 young men aged about 20-25 years attacked Bhupinder Singh nephew of complainant Sahab Singh and all of them were armed with sharp edged weapons and caused injuries to Bhupinder Singh. That present petitioner who was armed with sword caused injury on right arm of Bhupinder Singh. During investigation the petitioner was arrested.

3. The counsel for the petitioner submits that petitioner was falsely nominated as accused in the present case and otherwise also only

simple injury on the right arm of Bhupinder Singh is attributed to the present petitioner who is presently lodged in judicial custody and is having no criminal history.

4. The present petition is resisted by the State counsel who submits that petitioner was member of the unlawful assembly which caused injuries to Bhupinder Singh. However, the State counsel has not disputed the fact that simple injury on right arm of the injured caused with sharp edged weapon is attributed to the petitioner and during investigation petitioner was arrested and one sword was recovered at his instance and that after completion of investigation police has presented the challan.

5. I have considered the submissions made by counsel for the parties.

6. FIR in this case was registered against unknown persons and during investigation the petitioner was arrested and simple injury caused with sword is attributed to the petitioner and the recovery of weapon used in commission of crime is already effected and on completion of investigation police has presented the challan and petitioner is in custody for the last more than 03 months and is having no criminal history. It is a matter of evidence as to whether the petitioner can be held liable for offence under Section 307 IPC with aid of Section 149 IPC as no injury covered under Section 307 IPC is attributed to the petitioner. Further, it will take time for the trial to conclude after its commencement. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of the above, 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 his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.03.2024
Jiten

(KARAMJIT SINGH)
JUDGE

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