

CRM-M-6130-2024
Date of decision: 09.02.2024

...PETITIONER

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. H.S. Randhawa, Advocate and
Mr. Preetinder Ahluwalia, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

This is the first petition filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.91 dated 11.08.2023 registered under Sections 307, 326, 325, 323, 336, 341, 279, 148, 149, 201 of Indian Penal Code at Police Station Anaj Mandi, District Patiala.

2. The present FIR was lodged on the allegations that on 10.08.2023 at about 8:00 PM, the accused along with the petitioner armed with *dandas*, iron pipes and *kirchs* gave injuries to the son of complainant and Noordeep Kaur informed the complainant that Harpreet Singh @ Sunny, Harinder and Jashan Dhiman had given beatings to both of them with *dandas*, iron pipes and Harpreet Singh @ Sunny gave an iron pipe blow to Maninder Singh (complainant's son) on his left arm with force. Then Raja Boxer and Jaskaran Singh Tom raised a *lalkara* that both of them should not escape alive today. Then Raja Boxer took *kirch* out of his dab (pant fold) and gave two consecutive blows to Maninder Singh in his abdomen with an intention to kill and he fell down.

When Nurdeep Kaur raised alarm saying “*bachao-bachao*”, then Raja Boxer

gave a *kirch* blow on her left ear and when she tried to turn her face other side, Raja Boxer gave another *kirch* blow on the back side of her head. When people started gathering at the spot, then all of them drove away from the spot in car.

3. Learned counsel for the petitioner *inter alia* contends that although, the petitioner was named in the FIR, however, no specific role or injury was attributed to him. The injuries on the injured Nurdeep Kaur, were specifically attributed to co-accused Raja Boxer. However, 04 days after the alleged occurrence, injured Nurdeep Kaur made a supplementary statement and made a complete U-turn by stating that the petitioner and one Lucky Sharma had inflicted injuries. Learned counsel further refers to the medico-legal report of injured Nurdeep Kaur i.e. Annexure P-5 and submits that the kind of weapon used to inflict injuries on Nurdeep Kaur is blunt weapon, which falsifies the ocular version. Moreover, the medical opinion i.e Annexure P-6 clearly indicates that all the injuries are simple in nature and the complainant's son is a notorious person, who is already involved in 11 FIRs.

4. Per contra, the learned State counsel, on instructions from ASI Malkiat Singh, opposes the grant of regular bail to the petitioner on the grounds that his role has been clearly established and he has actively participated in the alleged crime and the car, in which, the assailants came to the spot, is registered in the name of the father of the petitioner.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 11.09.2023, as per custody certificate. The investigating agency has completed the investigation and submitted the final report under Section 173 Cr.P.C. on 29.11.2023. The trial of the case has not made any progress yet as out of 36 witnesses cited by the prosecution, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose

shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention, without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

7. Keeping in view the facts and circumstances of the case, the present petition is allowed without commenting upon the merits of the case lest it may prejudice the outcome of the trial, and the petitioner-Harinderjit Singh *alias* Jot is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

February 09, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |