

221+222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:20.03.2024

(i) CRM-M-8228-2024

Hardit Puri ...Petitioner

vs.

State of Punjab ...Respondent

(ii) CRM-M-12470-2024

Palwinder Singh @ Mani ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Satvir Singh, Advocate
for the petitioner in CRM-M-8228-2024.

Mr. Gurbir Singh Sidhu, Advocate with
Mr. Mohit Kumar, Advocate
for the petitioner in CRM-M-12470-2024.

Mr. M.S. Bajwa, DAG, Punjab.

Ms. Rajvinder Kaur Sohal, Advocate
for the complainant (in both petitions).

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-8228-2024, titled as Hardit Puri Vs. State of Punjab and CRM-M-12470-2024 titled as Palwinder Singh @ Mani Vs. State of Punjab, whereby the petitioners have prayed for grant of bail to them in case FIR No. 102 dated 23.05.2023 registered under Sections 307, 323, 341, 506, 34, 120-B of IPC (Sections 325,

148, 149 of IPC added later on and Section 34 of IPC deleted later on), at Police Station City Sangrur, District Sangrur.

2. The FIR in the present case was registered on the basis of the statement made by Amandeep Singh son of Pyara Singh and the same has been reproduced below:-

"Statement of Amandeep Singh S/o Pyara Singh r/o H.NO 132 Street No.3 Shivam Colony Sangrur Age About 36 Years M. No. 89684-07370 stated that I am a resident of the said address. Today around 6:15 AM, like every day I was riding on my scooter PB-13-BK-6547 and going to practice in the boxing ring at Banasar Bagh Sangrur. So when I reached near Honey Salon opposite clock tower Sangrur at around 6:30 AM, a car XUV number PB-03-0025 color white was parked on the side of the road and near the car, Mani r/o Haripura Basti Sangrur with iron pipe in his right hand was standing. When I reached on my scooter near the vehicle, the driver of the vehicle opened the door, Hardit puri S/o Krishan Puri R/O Haripura Basti Sangrur in whose right hand he held a hammer and the conductor opened the door, a trim haired young man, who had an iron pipe in his right hand, and another boy who was empty-handed came out through the back door of the car. Then suddenly Mani, Hardit puri and two unknown boys surrounded me with their weapon and Hardit puri raised a lalkara that today is the chance, today this Amandeep has to be killed, Fearing for my life, I left my scooter and ran back and all four people ran after me and continued to abuse me. Then while I was running, Mani held the iron pipe in his hands and hit me on my right leg below the knee, which caused me to fall to the ground. Then these said persons surrounded me. Then the unknown boy who was empty handed grabbed both my feet and dragged me. Then Hardit puri hit me with the cube of iron held in his hand on my right arm which hit me on my left elbow, then Hardit puri hit

my right hand a second time, hitting the top of my right hand and the fingers of the hand. Then Hardit puri hit my left leg for the third time, but this time below the knee, then Hardit puri hit my right leg again for the fourth time, but this time hit the ankle and upper leg. Hardit puri has done this with the weapon all the times with the intention of killing me, then the other unknown boy grabbed a pipe iron and hit me once in the face with the intention of killing me, which hit me on my chin. Then after attacking me, the unknown boy ran towards the vehicle with his weapon, then Mani held the iron pipe in his hands with the intention of killing me and hit me on the left side of my head. There was a gathering of people. Then unknown boy came with a car, then all four of them threatened to kill me and fled from the place by sitting in the vehicle XUV with their weapons. Hardit puri again raised a lalkara that now you got the taste of messing with my brother Gurdit puri and father Krishan puri. Then everyone ran away from the spot. I can recognize both the anonymous boys on coming in front. Then the passers-by took me to the civil hospital and admitted me. The reason is that, being a boxer, I used to give free training to children who came to practice in the boxing ring, Gurdit puri who has also been a boxing coach. Children thought it was good to have practice with me, which is why Gurdit puri used to hold grudges against me. Now a few days ago in the evening in Banasar Bagh Sangrur, Gurdit puri and his Father Krishan Puri had stopped me and threatened to kill me. Today, Gurdit puri and his father Krishan puri conspired to beat me up through their son Hardit puri and his friends. I was beaten only on the instigation of Gurdit puri and Krishan puri. Now I am admitted to Civil Hospital Sangrur for treatment. Appropriate legal action should be taken against them. The statement has been written, heard, it is correct/ Amandeep Singh Verification Correct/- Sukhwinder Singh SI Police Station City Sangrur dated 23/05/2023.”

3. Learned counsel for the petitioners submit that even though, the petitioners are named in the FIR, but the injuries in the present case were caused on the non-vital part of body. Learned counsel further submit that the medical opinion was sought with regard to the injuries suffered by the complainant and as per opinion, injuries No.1 and 7 were simple in nature and injuries No.2 to 6 were declared to be grievous. Learned counsel further contend that the offence under Section 307 IPC has been added by the police by completely overlooking the medical evidence in the present case. Learned counsel further placed reliance on the order dated 01.02.2024, passed in CRM-M-4305-2024 (Annexure P-4), whereby co-accused Gagandeep Singh @ Dipi was granted the concession of regular bail by this Court. The petitioners are in custody since 18.07.2023 and no witness has been examined so far. Thus, the prosecution may take considerable time in concluding the prosecution evidence before the trial Court.

4. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that serious allegations have been leveled against both the petitioners. Learned counsel further contend that the petitioners had caused injuries to Amandeep Singh, who is a sports man and his entire sporting career has been ruined. Learned counsel further contend that now, the co-accused of the petitioners are still extending threats to the complainant side and the petitions may be ordered to be dismissed.

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

6. It is apparent that both the petitioners are continuing in custody for the last more than 8 months and are the first offenders. In the present case, after

completion of the investigation, the final report under Section 173 Cr.P.C. has already been presented against the petitioners and co-accused. Apart from that, co-accused Gagandeep Singh @ Dipi has already been granted the concession of regular bail by this Court vide order dated 01.02.2024 (Annexure P-4).

7. Consequently, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.
- (v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioners involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law,

while accepting the bails bonds and surety bonds of the petitioners.

(viii) The petitioners shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, they do not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

20.03.2024

hemlata

(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No