

CRM-M-9433-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-9433-2024

Date of decision:18.04.2024

Gurdeep Singh @ Tony

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.
Ms. Priyanka Sadar, AAG Haryana.
Mr. D.S. Virk, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.302 dated 06.07.2023, registered for the offences punishable under Sections 147, 148, 149, 323, 341, 354-B, 325, 307 and 506 of IPC and Section 25 of Arms Act at Police Station Sirsa Sadar, District Sirsa, Haryana.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Paramjeet Kaur wife of Tarsem Singh, caste Majbi Sikh, resident of village Bhamboor, aged about 45 years, Mobile No. 98123 92850. Stated that, I residing at am the aforementioned address and a household lady. On 05.07.2023 at about 9 O'clock my brother-in-law (Devar) Kripal Singh has gone to bring grocery items from the Grocery Shop in the village. Mundri son of Devi Lai, Angrej Singh son of Ruldu Ram, Balraj son of Chinder Pal, Tony son of chadta Singh Jinder son of Miyan Mammu son of Chinda Singh, Kakka Son of Jamail Singh, Mandu son of Kamail Singh, Ranjit son of Jagdish Kamboj and Baljeet son of Hardev Singh all residents of Bhamboor armed with dandas, lathis and sharp edged weapon were already present on the shop of Hanshu. They had come in the car of Ranjit Kamboj. When my brother- in-law (Devar) Kripal Singh reached near the shop of Hansu, all ofthem started abusing

him and when my brother-in-law (Devar) started moving back to his house, they obstructed the passage of my brother-in-law (Devar) Kripal Singh and attacked him with lathi, danda and sharp edged weapons. On hearing the noise, I and my son Manohar son of Tarsem Singh went to rescue Kripal Singh then all of them also caused injuries to my son Manohar with danda and sharp edged weapons and gave fist and slaps to me. Mandu son of Karnail Singh was carrying a pistol which was seen by me. When I raised alarm, several people of the village reached at the spot. Deepa son of Kaur Singh also gave slaps to me. All the assailants, on seeing several people of the village reaching at the spot, fled away from the spot alongwith their respective weapons and while going they extended threats to kill us on next available opportunity. After arranging the conveyance, I along with my family members shifted my brother-in-law (Devar) Kripal Singh and my son Manohar to Govt. Hospital, Sirsa where the doctor, after giving first aid to my brother-in-law (Devar) issued their MLRS from where they were and my son, referred to higher centre. Now my brother-in-law (Devar) Kripal Singh and my son Manohar have been admitted in City Health Care Hospital, Sirsa. Both are unconscious. You have come to the hospital. I have got my statement recorded to you. I have heard it and the same is correct. I have got my statement recorded in the presence of Tejvinder Singh. Action be taken against all of them. RTI Paramjeet Kaur."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 12.08.2023 and challan already stands presented after completion of investigation. Learned counsel has further argued that the injury, on the basis of which Section 307 of IPC has been invoked, is not attributed to the petitioner. Learned counsel has further argued that the petitioner has been falsely implicated on account of party faction in the village. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel as also the learned counsel for the complainant have opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not

Learned State counsel seeks to place on record custody certificate dated 17.04.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 12.08.2023 whereinafter investigation was carried out and challan stands presented on 10.11.2023. Total 28 prosecution witnesses have been cited and the culmination of the trial will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated in the case in hand or the aspect of the petitioner being part of unlawful assembly or having a common object with other accused; will be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 17.04.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 08 months & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.

- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

April 18, 2024
Ajay