



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219+220

Date of decision: 06.08.2024

1. CRM-M-9216-2024

MONEY SINGH ALIAS HARPREET SINGH ALIAS TEETAN
ALIAS GRARI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

2. CRM-M-11202-2024

VANSH MALHOTRA @ BILL

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rishu Mahajan, Advocate
for the petitioner in CRM-M-9216-2024.

Mr. Prateek Pandit, Advocate
for the petitioner in CRM-M-11202-2024.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. In both the petitions, the petitioners craves for indulgence of this Court for they being enlarged on regular bail, in case FIR No.123 dated 14.11.2023, under Sections 323, 324, 307, 148 and 149 of IPC, registered at Police Station Division No.5, Jalandhar, therefore, being amenable by common decision, same are taken up together.

2. The gist of the allegations as culled out from the instant FIR, reads as



under:-

“Statement: Satpal son of Sultan, resident of House No. 50, Guru Sant BastiDanishmandan Jalandhar, age Nagar around 52 years, mobile phone No.: 98728-20958. I state that I am resident of the aforementioned address. I am working as a contractor in the Corporation I have four children. Out of them two are my daughters and two are my sons. My eldest daughter Khushi is married, younger to her is my daughter Pooja and she is a beauty parlour trainee, younger to her is my son Aakash he is working as a contractor in the Corporation. Youngest of all is my son Rohit and he is also working as a contractor in the Corporation. My wife Mamta is a Class-IV government employee of the Corporation Jalandhar. On date 13.11.2023 at around 08:30 PM, my youngest son Rohit had accompanied his mother Mamta and they had gone to make purchases from a provision shop. When after purchasing stores they were returning to our house, there outside Street No. 4 Guru Nanak Colony 10-11 boys were standing all of them cordoned off my son Rohit and executed multiple attacks on him with their weapons like swords and Khanda. My wife Mamta continued to try to save my son from these boys. But these boys with an intention to kill him continued to attack my son. My wife started shouting for help and the people started collecting there. Then these boys fled from the site of incidence along with their weapons. Out of these boys a boy Uppal resident of Basti Danishmandan, another boy Raju is a tenant in our street. While fleeing these boys snatched the gold chain of my son Rohit weighing around 2.5 Tola. I arranged conveyance and got my son Rohit admitted at Civil Hospital Jalandhar. As the physical condition of my son deteriorated then he was got admitted at Pal Hospital near RavidasChowk. He is under medical treatment there. It is requested that a legal action be taken against these boys.”

3. The learned counsel for the petitioners, in his asking for the hereinabove extracted relief, has made the following submissions:-



- (i) Petitioners have not been named in the FIR, rather their names figured out during investigation, because of supplementary statement suffered by complainant Satpal, who is father of the victim/injured;*
- (ii) Even in the supplementary statement, there is no specific attribution to the petitioners, regarding the injuries caused to the victim/injured;*
- (iii) Though the victim has suffered 09 injuries, however, none of the injuries were declared grievous in nature, rather all the injuries were simple in nature, therefore, the prosecution only just to exaggerate the offence, wrongly and illegally invoked the provision of Section 307 of IPC;*
- (iv) Both the petitioners have suffered incarceration of more than 08 months, as on today.*
- (vi) Out of the total 11 prosecution witnesses cited in the final report, none has been examined till date.*
- (vii) The final report under Section 173 Cr.P.C., had already been filed, and charges have been framed on 04.03.2024;*

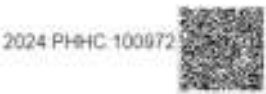
4. Learned State counsel has opposed the grant of regular bail to the petitioners on the ground that the victim has suffered as many as 09 injuries, and out of those 09 injuries, 03 injuries are on the head of the victim. Learned State counsel further submits that the weapon of offence has been recovered from the petitioners, during investigation. Learned State counsel has placed on record the custody certificates of the petitioners, as issued by the Superintendent of Central Jail Kapurthala. The same are taken on record. A perusal of the custody certificates reveals that the petitioner Money Singh @ Harpreet Singh @ Teetan



@ Grari has has suffered incarceration of 08 months and 10 days, and the petitioner Vansh Malhotra @ Billi has suffered incarceration of 08 months and 17 days, as on today. A perusal of the custody certificates further reveals that the petitioners are not involved in any other criminal cases. Learned State counsel on instructions, imparted to him by HC Kulwinder Singh, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed, and the charges were framed on 04.03.2024. Learned State counsel further submits that out of the total 11 prosecution witnesses cited in the final report, none has been examined till date.

5. This Court has heard the learned counsel for the parties concerned, and perused the record, and is of the considered opinion that the instant petition is amenable for being allowed, for the reasons assigned herein:-

- (i) There are no specific injuries attributed to the present petitioners, and it is not under dispute that now the victim is hail and hearty;
- (ii) The petitioner Money Singh @ Harpreet Singh @ Teetan @ Grari has has suffered incarceration of 08 months and 10 days, and the petitioner Vansh Malhotra @ Billi has suffered incarceration of 08 months and 17 days, as on today;
- (iii) Out of the total 11 prosecution witnesses cited in the final report, none has been examined till date.
- (iv) The final report under Section 173 Cr.P.C., had already been filed, and the charges were framed on 04.03.2024,
- (v) No fruitful purpose would be served by keeping the petitioners



behind the bars,

(vi) Trial is not likely to conclude anytime soon.

6. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioners. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petitions.

8. However, it is clarified that if in future, the petitioners are found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

06.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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