

**CRM-M-9601-2024****224****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-9601-2024**
Date of Decision: 05.11.2024

Rajdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent: Mr. J.K. Singla, Advocate and
Ms. Suman Rani, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

Mr. Deepak Kohli, Advocate for
Mr. Kashish Garg, Advocate
for the complainant

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.42 dated 26.08.2023 registered under Sections 452, 324, 323, 148, 149 IPC (Section 307 IPC added later on vide DDR No. 34 dated 01.09.2023 and Sections 325, 326 IPC added later on vide DDR No. 16 dated 13.09.2023) registered at Police Station Kot Fatta, District Bathinda.

2. The above-mentioned FIR was got registered on the basis of complaint made by Prem Singh alias Soni. The contents of the FIR are reproduced herein below :-



CRM-M-9601-2024

2

The copy of the statement of Prem Singh alias Soni son of Chamkaur Singh resident of Misarkhana aged 27 years M-62808-36917, stated that I am a resident of the said address and working at Sahara Samaj Sewa Maur Mandi Today around 8-30 hrs, We all the family were present in our house Then, Rajdeep Singh s/o Balbir Singh having Kirpan, Jaskaran Singh s/o Kaka Singh having Stick Harman Singh s/o Jaskaran Singh empty, Jaspreet Singh s/o Darshi Singh having Dang. Karandeep Singh s/o Darshi Singh empty handed, Manpreet Kaur w/o Rajdeep Singh having Iron Rod all residents of Maisarkhana and brother-in-law of Rajdeep Singh r/o Nagal Kalan (Mansa) having Kirpan and one unknown person having Dang who was came along with brother in law of Rajdeep Singh. All of them entered our house at once. Then Rajdeep Singh challenged that today, let her taste the pleasure of helping Ranjit Singh son of Bikar Singh. Then Rajdeep Singh hit my right cheek with his kirpan Jaskaran Singh hit on my right leg with the Stick in his hand. Rajdeep Singh hit again on my right cheek with his kirpan, then Rajdeep Singh's brother-in-law hit my head with his kirpan, Manpreet Kaur wife of Rajdeep Singh who was holding an iron pipe in her hand, hit me on my right thigh. I raided roula of Marta Marta. Then my father Chamkaur Singh and my mother Bhinder Kaur and my uncle Darshan Singh came to rescue me from inside, then all these men attacked them with their weapons and beat them. We all raised roula then my uncle Sandeep Singh son of Bikar Singh came and other people gathered together When Sandeep Singh raised lalkara, all

**CRM-M-9601-2024**

these people ran away with their weapons. Then Sandeep Singh arranged a vehicle and brought us to the Civil Hospital Bathinda where we are undergoing treatment Because of more injuries to my chacha Darshan Singh, Dr. Sahib referred him to AIMS Hospital, Bathinda The reason for it are that that two days ago, Rajdeep Singh and others were beating up our neighbors Ranjit Singh son of Bikar Singh and Satnam Singh son of Mahinder Singh. We rescued them and due this grudge, today they entered our house and hurt us. Strict legal action should be taken against them. I have recorded the statement. I have heard it. SD/- Prem Singh R/O Misarkhana Verification Correct/- Balwinder Singh HC/1361 PS Kotfatta Dated 26-8-2023.”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He further submit that the petitioner has undergone actual custody of 11 months and 27 days and no other case has been registered against him. Learned counsel for the petitioner has placed reliance on the compromise that has been effected between the parties.

4. Mr. Deepak Kohli, Advocate for Mr. Kashish Garg, Advocate puts in appearance on behalf of the complainant and files his Vakalatnama in Court today, which is taken on record. Registry is directed to tag it at the appropriate place.

5. Learned counsel appearing for the complainant admits the factum of compromise effected between the parties.

6. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody

certification, the petitioner has undergone actual custody of 11 months and 27 days



CRM-M-9601-2024

and there is no other case registered against him . He submits that investigation of the case is complete, challan was presented on 03.01.2024 and out of 30 prosecution witnesses, none has been examined.

6. Heard the rival submissions made by learned counsel for the parties.

7. Admittedly, the challan was presented on 03.01.2024 and out of total 30 prosecution witness, none has been examined till date. The compromise has been effected between the parties.

8. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the challan has been presented and no prosecution witness has been examined till date. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

9. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which they are accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the



CRM-M-9601-2024

facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

05.11.2024
reena

(KIRTI SINGH)
JUDGE

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