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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10365-2024

Date of Decision: 04.03.2024

Amandeep Singh @ Amanpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Madhup Munjal, Advocate with
Ms. Nishtha Garg, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.42 dated 13.05.2023 registered under Sections 326, 325, 324, 34 of IPC (Offences under Sections 326, 325 of IPC added later on), at Police Station Lakho Ke Behram, District Ferozepur.

2. The FIR was registered on the basis of the statement made by Harbans Singh son of Bachan Singh and the same has been reproduced below:-

“Statement of Harbans Singh son of Bachan Singh son of Boorh Singh resident of village Saide Ke Nol, Police Station Lakho Ke Behram, aged about 55 years, mobile No. 7087169099. I would like to state that I a resident of above noted address and I am labourer by occupation. My brother Lakhwinder Singh son of Bachan Singh resident of Saide Ke Nol was going with Gurbakhash Singh son of not known for labour work at the machine of fodder and on 09.05.2023 my brother

Lakhwinder Singh and my son Dharminder Singh went to Gurbakhash Singh to take money from him but Gurbakhash Singh and his son namely Kala (I don't know his real name) have refused to give money and they forced my son to leave their house. At about 6.00-6.30PM after eating food etc. I and my son came out from the house. My son was ahead from me and I stood near Gurudwara Sahib and when my son reached near small bridge (Same Nala) then Kala son of Gurbakhash Singh resident of Dariye Ke and Amandeep Singh son of Harnam Singh resident of Saide Ke Nol on one motorcycle and Lakhwinder Singh son of Balvir Singh and Kuldeep Singh son of Binder Singh residents of Saide Ke Nol came on second motorcycle from the side of village Betu Kadeem and they parked their motorcycle and Kala son of Dariye Gurbakhash started telling my son Dhrminder that that now we will give you taste for demanding money from us. Then Lakhwinder Singh and Kuldeep Singh son of Binder Singh have caught hold the arms of my son, firstly Amandeep Singh had slapped and my son has tried to save Kala and his face himself from them, then Amandeep Singh has picked up a brick from the road and thrown said brick on the head of my son, due to which my son become unconscious and fell down the on the ground. Then to save my son, I rushed towards them. Kala and Kuldeep have thrown bricks and brick bats on my son, which hit on the ankle of his right foot and when I raised noise "Marta Marta" then they all ran awy from the spot on their motorcycles towards village Betu Kadeem. I arranged vehicle and I along with my nephew Singh Jashandeep son fo Lakhwinder Singh firstly took my son to Civil Hospital Mamdot, where the doctors have referred him Ferozepur and the doctors of Civil Hospital Ferozepur have referred my son to Guru Gobind Singh Medical College, Faridkot. But due to head injury of my son, the doctors of Guru Gobind Singh Medical College, Faridkot had referred

my son to All India Institute Medical Sciences hospital, Dabwali Road Bathinda, where my son Dharminder Singh is admitted and is under treatment and he is not able to speak. Therefore I have got my statement recorded in the presence of my son Jashandeep Singh; heard and the same is correct. LTI of HarbansSingh Sd/- Jashandeep Singh, attested by Satinderpal Singh, ASI, Police Station Lakho Ke Behram, dated 13.05.2023.”

3. Learned counsel for the petitioner contends that vague and general allegations have been levelled by the complainant against the present petitioner. Still further, it is a case of version and cross version and in the present case, the cross version has already been registered in the shape of GD No.37 dated 23.08.2023. Learned counsel further contends that in the present case, the injury, which attracted the offence under Section 326 IPC, is not attributed to the present petitioner. Learned counsel further contends that in fact, a false role has been assigned to him because of financial dispute between the complainant side and the accused and the FIR has been got registered by the complainant after a delay of 4 days. He further contends that the petitioner is in custody since 26.12.2023 and the challan has already been presented against him.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner.

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

6. The petitioner was arrested in the present case on 26.12.2023 and is in custody since then. The injured has already been discharged from the hospital and further custody of the petitioner will not serve any meaningful

purpose. Even otherwise, the petitioner is the first offender and was not involved in any other criminal activity.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

04.03.2024.
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No