

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11211-2024 (O&M)
Decided On: 06.03.2024

GURWINDER SINGH ALIAS JONY
.....PETITIONER(s)

Versus

STATE OF PUNJAB
.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

CRM-10634-124

Application is allowed as prayed for. Annexure P-13 and
Annexure P-14 are taken on record, subject to just exceptions.

CRM-M-11211-2024

1. The instant second petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.111 dated 27.08.2021 under Sections 323, 324, 341, 148, 149 IPC (added later on 307, 326, 325 and 201 IPC) registered at Police Station Shambhu, District Patiala.
2. Learned counsel for the petitioner *inter alia* contends that the medical evidence runs totally contrary to the ocular testimony inasmuch as in the FIR in question, the petitioner had been attributed a sword blow

on the head of the injured Amritpal Singh, however, as per the MLR of the said injured, no injury on his head stands reflected, much less with a *Kirpan*; a *grievous* injury was received by Amritpal Singh is on his elbow. It has been submitted that after the FIR in question was lodged, an inquiry was also carried out by the Deputy Superintendent of Police, wherein the investigating agency found the petitioner innocent; it was after almost 1½ years, the police for reasons very strange, presented the challan against the petitioner. It has further been submitted that the petitioner has clean antecedents and is not involved in any other criminal case, much less a case of similar nature. A prayer has, therefore, been made by the learned counsel for the petitioner to extend the concession of regular bail to the petitioner, who has now been in custody since 19.09.2023.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions from ASI Avtar, has not disputed that as per the MLR of injured Amritpal Singh, the doctor did not find any injury on his head much less any *grievous* injury and only a *grievous* injury was found on the elbow of Amritpal Singh. It has also not been disputed that initially the petitioner was found innocent and not challaned and it was only subsequently that the challan qua him was presented on 25.10.2023. Learned State counsel, on instructions, has also not disputed that the petitioner has clean antecedents and is not involved in any other criminal case. Learned State counsel, has however informed the Court that charges have not yet been framed and are likely to be framed on the next date of hearing.

4. I have heard learned counsel for the parties and perused the material placed on record.
5. The investigation in the case in hand is complete and challan qua petitioner already stands presented. The petitioner has been attributed a grievous injury on the elbow of injured Amritpal Singh, which is a non-vital part of his body. He is not stated to be involved in any other criminal case. The trial is also unlikely to conclude in the near future as charges have not yet been framed coupled with the fact that as many as 14 witnesses have been cited by the prosecution.
6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.
7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.03.2024
Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

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