

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15260-2024
Decided On: 04.04.2024

RAMANDEEP SINGH
.....PETITIONER(s)

Versus

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

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepak Goyal, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.107 dated 13.12.2023 under Sections 323, 341, 324, 148, 149 IPC (Section 307, 326, 506, 34 IPC added later on) registered at Police Station Chhajli, District Sangrur.
2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 20.12.2023 in a case of false implication. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1, learned counsel has submitted that a perusal of the same clearly reveals that the petitioner was not named therein and even the injuries inviting the mischief of Section 307 IPC had been attributed to the co-accused, who had been specifically named in the FIR in question. Learned counsel has submitted that even otherwise the petitioner had no animosity much less enmity with the complainant to have connived with the co-accused to participate in the occurrence in question. It has still further been submitted that the petitioner came

to be nominated as an accused in a supplementary statement, which was made by the complainant after one week of the alleged occurrence, wherein it was alleged that the petitioner was one of the unidentified persons, who had accompanied the co-accused and had then inflicted a danda blow on the waist of the complainant. Learned counsel submits that the petitioner has clean antecedents; investigation in the case in hand is complete, however, charges have not yet been framed. The prosecution has cited as many as 15 witnesses, hence the trial would take considerable time to conclude. In the circumstances, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Sukha Singh, has not disputed that the petitioner was not named in the FIR in question. However, he on instructions, has informed the Court that the petitioner was not only nominated in the supplementary statement made by the complainant but he was also visible in the CCTV footage of the place of occurrence, which was collected by the investigating agency subsequent to the registration of the FIR in question.

4. On a pointed query put to the learned State counsel as to whether the petitioner had been attributed any griveous injury or injury inviting the mischief of Section 307 IPC, he, on instructions, has replied in the negative and fairly stated that the petitioner has been attributed only single simple injury with a stick on the waist of the complainant.

5. Mr. Pankaj Garg, Advocate for Ms. Chahat Goyal, Advocate has put in appearance on behalf of complainant and filed power of attorney in Court today, which is taken on record.

6. Learned counsel for the complainant has also opposed the prayer made by the counsel opposite for enlarging the petitioner on bail. He has

reiterated the allegations levelled in the FIR by submitting that no doubt, the petitioner was not named therein, however, it had been categorically alleged by the complainant that the co-accused were accompanied by two unidentified persons, who too had participated in the occurrence in question. Learned counsel has submitted that no doubt, there was no history of enmity/animosity between the petitioner and the complainant, however, the very fact that he was present along with the co-accused with lethal weapons hinted towards the occurrence being a well planned one.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. The petitioner as not disputed by the learned State counsel has clean antecedents and has not been attributed any grievous injuries in the occurrence in question. The trial would take considerable time to conclude, hence, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

04.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No