

CRM-M-15057-2024

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2024:PHHC:052041

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-16469-2024 in/and
CRM-M-15057-2024
Date of Decision: 18.04.2024

Hardip Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Binat Sharma, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

CRM-16469-2024

1. The application has been filed under Section 482 Cr.P.C with a prayer to add the offence under Section 498-A of IPC (added later on) in the head note and prayer clause of the main petition.

2. For the reasons mentioned in the application, the same is allowed, the offence under Section 498-A of IPC is ordered to be added in the head note and prayer clause of the main petition.

3. The Registry of the Court is directed to carry out the necessary correction in this regard.

CRM-M-15057-2024

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.0002 dated 04.01.2024, registered under Sections 307 and 498-A of IPC and Section 25 of

Arms Act (Section 498-A of IPC addd later on), at Police Station Shri Anandpur Sahib, District Rupnagar.

2. Learned counsel for the petitioner contends that the present FIR has been got registered by the complainant, who is the brother-in-law of the petitioner, by twisting the facts and the story projected by the prosecution is apparently unbelievable. He further contends that in fact in reality, at about 4.30 p.m. on 03.01.2024, the complainant along with 8/10 persons, duly armed, attacked the petitioner after trespassing into his residential house. The petitioner, in order to save himself, locked the main gate from inside and also locked the doors of the house and was sitting in the last room of his house. However, the complainant side climbed the walls, entered the house and opened the gates/doors of the house and had beaten up the petitioner. Even the petitioner was seriously injured and was hospitalised in a hospital namely Vishal Hospital for medical treatment. Learned counsel has also placed reliance on the photographs (Annexure P-2) to contend that the doors were broken and the weapons were left by the complainant side at the spot. He further submitted that the representation dated 12.02.2024 (Annexure P-3) was submitted by the petitioner to SSP Rupnagar, but no action has been taken so far. Learned counsel further contends that the petitioner is in custody since 05.01.2024 and the challan has already been presented against him. Thus, further custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and submits that the petitioner is not entitled to be released on bail.

4. I have heard the learned counsel for the parties and perused the record.
5. From the submissions made by learned counsel for the petitioner, it is evident that it may be a case of version and cross version. However, the veracity of allegations levelled by the present petitioner will be adjudicated only by the trial Court, during the course of trial. Since the petitioner has already suffered incarceration for a period of over 03 months; so, no purpose will be served by keeping the petitioner behind bars.
6. 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.

18.04.2024.
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(N.S.SHEKHAWAT)
JUDGE

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