

215/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:15.02.2024

(i) CRM-M-16884-2023

Ramesh Singh @ Meshi	vs.	...Petitioner
State of Punjab		...Respondent

(ii) CRM-M-43148-2023(O&M)

Baljit Singh @ Balli	vs.	...Petitioner
State of Punjab		...Respondent

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

Present : Mr.Vikramjeet Singh, Advocate
for the petitioner in CRM-M-16884-2023.

Mr. Vinod K. Kaushal, Advocate
for the petitioner in CRM-M-43148-2023.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Raj Kumar Rathore, Advocate
for the complainant/respondent in CRM-M-16884-2023.

Mr. Atul Bhatia, Advocate (Legal Aid counsel)
for the complainant in CRM-M-43148-2023.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-16884-2023, titled as Ramesh Singh @ Meshi Vs. State of Punjab and CRM-M-43148-2023, titled as Baljit Singh @ Balli Vs. State of Punjab, whereby the petitioners have prayed for grant of bail to them in case FIR No. 226 dated 22.08.2022 registered under Sections 307, 379-B, 148, 149 of IPC and Sections 25-27-54-59 of Arms Act, at Police Station Jandiala, District Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Dalbir Kaur, who stated that at about 8.30 p.m. on 31.08.2022, her son Ramandeep had received a phone call from Ramesh Singh, accused. Ramesh took away his son on motorcycle. At about 11.00 p.m. Ramesh Singh had thrown her son in front of her house in an injured condition. She went to the door of her house and saw that her son was lying unconscious and had suffered many injuries on his head. In fact, Ramesh Singh had suspicion that Ramandeep Singh had informed the police with regard to the illegal activities being carried out by Ramesh Singh. She raised the suspicion that Ramesh Singh along with 3-4 other persons had caused injuries to Ramandeep Singh.

3. Learned counsel for Ramesh Singh, petitioner (in CRM-M-16884-2023) submitted that the petitioner has been falsely involved in the present case. In fact, the petitioner and Ramandeep Singh were close friends and on 21.08.2022, the petitioner and Ramandeep Singh met with an accident and Ramandeep Singh had suffered the injuries in the said accident. Even the motorcycle of the petitioner was damaged due to the said accident. Learned counsel has referred to the medical report (Annexure P-2) of Guru Ram Dass Charitable Hospital, Amritsar to contend that in the said medical record, it was mentioned that it was a case of fall from the motor bike at about 11.30 p.m. Learned counsel further contends that the offence under Section 307 IPC has been wrongly added in the present case. He further contends that the petitioner was arrested in the present case on 09.09.2022 and is in custody since then.

4. Learned counsel for Baljit Singh @ Balli, petitioner in CRM-M-

43148-2023, submits that it was a case of accident and the petitioner has been wrongly involved by the complainant. Even the petitioner was not named in the FIR and has been involved only on the basis of the suspicion. He further contends that in the present case, the petitioner was arrested on 20.05.2023 and is in custody since then. As per him, the final report under Section 173 Cr.P.C. has already been presented before the Court and his custody will not serve any meaningful purpose.

5. On the other hand, learned State counsel assisted by learned counsel for the complainants, have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that son of the complainant is still bed ridden and is not able to walk properly and cannot do his routine work. Learned counsel also referred to the statement by Ramandeep Singh, whereby, serious allegations have been leveled against both the petitioners.

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

7. It is not in dispute that the petitioner-Ramesh Singh is in custody since 09.09.2022 and the other petitioner-Baljit Singh is in custody since 20.05.2023. The challan already stands presented against both the accused. Still further, during the course of hearing, learned counsel for the petitioners have shown the videos to me as well as to the learned State counsel and learned counsel for the complainants, which clearly show that the injured is moving in the street and appears to be hale and hearty. Even though, serious allegations have been leveled against the present petitioners, however, the petitioners cannot be ordered to be confined in jail in perpetuity.

8. Without commenting any further on the merits of the case, both the

petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) *The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.*

9. Pending application, if any, is also disposed of.

15.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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