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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215-A)

CRM-M-17654-2024 (O & M)
Date of decision:07.05.2024

Vishal @ Tobo Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Pushp Jain, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.61 dated 14.06.2023 under Sections 307, 452, 324, 323, 341, 506, 148 and 149 IPC (Section 201 IPC added later on) registered at Police Station Lohian, District Jalandhar Rural.

2. The present FIR came to be registered at the instance of Pawandeep Singh who stated that when he and his friend Sukhdev Singh had reached near village Badhshahpur, they came to know that Dilbagh Singh, the uncle of Sukhdev Singh had been given beatings by Pawan, Sukhdeep Singh, Vishal alias Tobo (petitioner) and 10-12 unidentified persons. Dilbagh Singh had received multiple injuries. Thereafter, near the house of



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Sukhdev Singh, Pawan, Sukhdeep Singh, Vishal alias Tobe and their friends raised a *lalkara* to catch hold of Sukhdev Singh who was not to be spared. Then Pawan gave an iron *datar* blow to Sukhdev Singh on his face with an intention to kill him, striking his eyes. While Sukhdev Singh was lying on the ground, then Pawan gave another blow on his head. Then Vishal alias Tobo gave a blow on the backside of the neck of Sukhdev Singh whereas Pawan gave another *datar* blow on Sukhdev Singh's right eye. On an alarm being raised, the assailants fled away from the spot.

During the course of investigation, the statement of Dilbagh Singh was recorded under Section 161 Cr.P.C. wherein he stated that Hardeep Singh alias Deepa (since granted bail vide order dated 06.12.2023 passed in CRM-M-53159-2023, Annexure P-2) son of Gurbachan Singh had caused injuries with a *datar* on the left side of his flank, subsequently, found to be simple in nature.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. Taking the allegations to be correct, only a simple injury had been attributed to the petitioner. As the petitioner was in custody since 20.07.2023, none of the 25 prosecution witnesses had been examined so far and in the one other case registered against him vide FIR No.43 dated 30.04.2022 under Sections 363, 366-A IPC, Police Station Lohian, he had been granted the concession of bail, he was entitled to the similar concession in the present case as well.

4. The learned counsel for the State, on the other hand, while referring to the reply dated 07.05.2024 contends that the petitioner and his co-accused brutally assaulted Dilbagh Singh and others. Therefore, the



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nature of the allegations levelled against him and his co-accused did not entitle him to the grant of bail. He, however, concedes that the petitioner was in custody since 20.07.2023, none of the 25 prosecution witnesses had been examined so far and that a co-accused had been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, he is in custody since 20.07.2023 and none of the 25 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when in the other case registered against him vide FIR No.43 dated 30.04.2022, he has already been granted the concession of bail and in the instant FIR, a co-accused has been granted the concession of bail.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Vishal @ Tobo is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the case(s) referred to in this order.

9. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses

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of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 07, 2024
sukhpreet

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