

2024:PHHC:064451



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-17996-2024 (O&M)
Date of decision : 08.05.2024

Upinder Singh @ Kaka Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. A.S. Sidhu, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.101 dated 19.08.2023, registered for the offences punishable under Sections 307, 324, 341 and 34 of IPC at Police Station Dirba, District Sangrur.
2. FIR was registered on the information supplied by Raj Pal Singh son of Binder Singh, r/o Lalu Patti Ward No.11, Dirba, Police Station Dirba, District Sangrur, who alleged as under:-

“Stated that I am resident of aforesaid address and am running a shop in the name of Raju Tyre Plaza on Sangrur Road, Dirba. My father Binder Singh has already passed away. We are two brothers. My elder brother Sukh Pal Singh, who runs a shop in the name of Happy Tyre Plaza in Mansa. Yesterday, on dated 18.8.2023, as usual, I was sitting in my shop, then, at about 3:15 PM, three unknown persons, with covered

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faces, came on my shop while riding on motor cycles, of them two persons were wielding gandasa and one was having takua, who by entering inside my shop stated as to what you want and all the three unknown persons with their respective weapons opened assault upon me and I while defending myself rushed outside from the shop and when I was rushing through streets, then, aforesaid person while parking their motor cycle ahead, rounded me up and one of the unknown person while alighting from the motor cycle inflicted blow with gandasa being possessed by him on me which struck on left side of my head and another unknown person, with an intent to kill, inflicted gandasa blow being possessed by him on right side of my head. I fell down on the ground and while laying down, all the aforesaid three persons with intent to kill me inflicted numberless blows with their respective weapons on my both arms, both legs, both thighs, right hand. I became unconscious. Presuming me to have died, aforesaid unknown persons along with their respective weapons fled away from the spot. Then, Raju Furniture vendor, neighbourer of my shop, after making arrangement for some conveyance took me to Baba Behrishiana Hospital, Dirba for treatment, where, after providing me first aid, the doctor had referred me for further treatment and my family members got me hospitalized in Amar Hospital, where I am undergoing treatment. I do not suspect any person and whenever I something would reveal to me in this regard, then, I shall convey you. Appropriate action against those aforesaid unknown persons may be initiated. Statement has been got recorded before you; heard and it is correct.xxx”

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3. FIR was registered on 19.08.2023 regarding occurrence of 18.08.2023. On 20.08.2023, complainant made a supplementary statement in which he disclosed the name of the present petitioner as one of the culprits. As per the prosecution, petitioner is stated to have suffered disclosure while in police custody which has led to recovery of gandasas alleged to have been used in the present offence.
4. Counsel for the petitioner submits that there is no evidence to relate the said gandasas to the present occurrence.
5. On a specific query being asked, Mr. Kapoor fairly admits submits that there is no forensic report to that effect. Petitioner is behind bars for more than 07 months and 10 days.
6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
8. Since the main case has been decided, pending miscellaneous application, if any, shall also stand disposed off.

08.05.2024		(PANKAJ JAIN)
Dinesh		JUDGE
	Whether speaking/reasoned :	Yes
	Whether Reportable :	No