



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18816 of 2024
Date of decision: 29th October, 2024

Harpreet Singh @ Bhinder
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amrit S. Kang, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.271 dated 28.11.2022 under Sections 323, 307, 427, 451, 506, 148, 149 of the IPC registered at Police Station Haibowal, District Police Commissionerate Ludhiana.
2. At the outset, learned State counsel, on instructions, has informed the Court that PW Arsh, who was inflicted an injury with a baseball bat on his head by the petitioner, has since been examined, however, another witness, Sumit, who too was similarly injured on his head by the petitioner has not been examined and the next date fixed before the learned Trial Court is today when said witness Sumit has been bound-down.

3. Learned counsel for the petitioner submits that PW Sumit has not been appearing before the learned Trial Court to get his evidence recorded including today. Hence, the petitioner be extended the concession of bail as all other material witnesses stand examined.

4. On a pointed query put to the learned State counsel qua the authenticity of the submissions made by the counsel opposite with respect to the repeated absence of PW Sumit before the trial Court to get his evidence recorded, he on instructions, has however, not been able to dispute the said fact.

5. Learned State counsel has yet again reiterated the allegations levelled in the FIR in question, and has submitted that the petitioner has been specifically attributed a role and injury in the occurrence in question.

6. I have heard learned counsel for the parties and perused the relevant material on record including the FIR in question, which stands reproduced hereunder:

“Statement of Parkash Singh son of Kedar Singh, resident of House No.B-19/05213, Near kali Mata Mandir, 33 feet Road, Rishi Nagar, Haibowal Kalan, Ludhiana, aged about 31 years, Mobile No.7983424758 has stated that I am the resident of the above mentioned address and my brother in law Sumit son of Lachhman Singh is also residing in my house and both of us are doing the business of supplying Coke to different shops. That on 27.11.2022 at about 7.30 PM, I alongwith my brother in law Sumit reached at the Bakery namely 'Gold' situated at Chuaharpur Road, where at the counter, one person

namely Arsh was sitting and while giving the stuff to him, we are clearing the accounts then at the time of clearing the accounts, Gautam Mattu son of Jiwan Mattu, resident of Guru Vihar Colony, Chuharpur Road, Haibowal Kalan, Ludhiana, Lovepreet Singh alias Love son of Jagtar Singh, resident of Village Jassian, Haibowal Kalan, Ludhiana, Manjit Singh alias Meeta son of Jasbir Singh, resident of Village Jassian, District Ludhiana **Harpreet Singh alias Bhinder** son of Kashmira Singh, resident of House No.22, Friend Colony, Jassian Road, District Ludhiana and 10 to 12 other unknown persons came inside the shop and these persons were laced with swords, Khanda, baseball and other sharp edged weapons and after entering the shop, they started beating Arsh. Gautam Mattu had given a sword blow on the head of Arsh and then Arsh has stopped it with his hand and Arsh was hit by sword. **Harpreet Singh alias Bhinder** who was having baseball in his hand given a blow on the head of Arsh. When we tried to stop them then Lovepreet Singh alias Love had hit my brother in law with the Khanda in his hand and Manpreet Singh alias Meeta also given a 'Daat' blow to my brother in law. **Harpreet Singh alias Bhinder** had given a iron rod blow on the head of my brother in law Sumit with the intention to kill. They have also started beating me and my brother in law Sumit and attacked us with swords, Khanda, baseball. My brother in law Sumit fell down and then all the unknown persons starts giving leg blows to Sumit and my brother in law Sumit become unconscious. They have also broken the glass at counter and also all other stuff. I while saving myself ran out and raised the voice 'Bachao-Bachao' then Gautam Mattu, Lovepreet Singh alias Love, Manjeet Singh alias Meeta, **Harpreet Singh alias Bhinder** and 10 to 12 unknown persons ran away alongwith their

weapons while giving threats to kill and by raising Lalkaras. I can identify them if they came in front of me. Thereafter, I took my brother in law Sumit to CMC Hospital. You have met me at CMC Hospital. I have recorded my statement which I have read which is correct. Legal action be taken. Sd/- Parkash Singh.”

7. The petitioner has now been in custody since 28.11.2022. PW Arsh, who too sustained injuries with a baseball bat and who is one of the two material witnesses in the case at hand, has already been examined before the trial Court. However, 8 prosecution witnesses still remain to be examined, hence, possibility of the trial concluding in the near future seems remote. It has also not been disputed by the learned State counsel that the petitioner has no previous criminal antecedents. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

October 29, 2024
rps

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