

(227)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19399-2024
Date of Decision: 29.04.2024
UMESH CHANDRA GOCHHAYAT & ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amjad Khan, Advocate
for the petitioners.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0017 dated 05.02.2024 registered under Sections 307, 506, 148, 149 IPC, 1860 at Police Station Amloh, District Fatehgarh Sahib.

2. The present FIR came to be registered at the instance of Jaisool Haq son of Abdal Tabaw and the same reads as under:-

“Statement of Jaisool Haq son of Abdal Tabaw resident of Vijnathpur Samoriya Police Station Kohra Katihar Bihar presently residing Sri Ram Ply Board Factory Village Shahpur Police Station Amloh District Fatehgarh Sahib aged about 24 years Mobile No.7404103905. Stated that I am resident of above address. I have been working as Labourer in Sri Ram Ply Board Factory from past 4/5 days and our labour contractor namely Mohammad Jamal son of Altaf Hussain is from our village. Prior to us, Abdal Contractor was working in this factory with his labour and

when we started working in this factory then work of Abdal Contractor got decreased. That they were giving life threats to me and my contractor Mohammad Jamal with his labour Shankar Mahapatar son of Dhijo Mahapatar resident of Jasuapur District Puri District Odisha, Umesh son of Narain resident of Goladiya District Bhadrak Odisha, Deepu Singh son of Ganga Singh resident of Basri Posi District Meharvansh Odisha presently residing at Sri Ram Ply Board Factory Shahpur Tehsil Amloh and yesterday i.e. 04.02.2024 at the time of closing of factory at about 10 PM, contractor Abdal was holding datar and Shankar holding 'soti', Tarlochan, Hafiz and Deepu holding 'soti' in their hands attacked us suddenly with their weapons with intentions to kill us and Contractor Abdal hit with his datar at my head and face ear with intentions to kill me and our Contractor Mohammad Jamal was hit by Shankar Mahapatar with 'iron dah' at his head and face and he started hitting repeatedly. Thereafter, Umesh, Tarlochan, Hafiz and Deepu Singh also started causing beating to us with their weapons and then I shouted for help and upon hearing my voices our other labour who were working in factory gathered there and upon seeing our labour gathering these above attackers fled from the spot with their weapons and they thrown my contractor Mohammad Jamal after nearly killing him and he fell unconscious. Reason for this attack is holding grudges because previous Contractor Abdal was working with his labour prior to us and when we came to work then their work got decreased due to which they intended to remove us from factory but we did not go from factory and therefore, all of them have attacked us with sharp edged weapons with intentions to kill us. Thereafter, our labourer colleagues took us to Jain Hospital Khanna and got us admitted there for treatment and we are undergoing treatment here. I have submitted my statement

before you and read over and heard the contents which are correct. Sd/- Jaimool (Hindi). ”

3. The learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. From a perusal of the FIR, no *prima facie* offence was made out. Though, the petitioners had been shown to be armed with sticks, no specific or overt act had been attributed to them. As per the Medico Legal Report, all the injuries were blunt in nature and therefore, the offence under Section 307 IPC was not made out. As the petitioners were first-time offenders and in custody since 05.02.2024, they were entitled to the concession of bail *moreso* when a co-accused namely, Hafiz @ Abdul Hafiz had been granted bail vide order dated 01.04.2024 passed in CRM-M-14483-2024.

4. On the other hand, the learned State counsel contends that the petitioners and their co-accused assaulted the injured causing serious injuries to him. The nature of the allegations levelled against the petitioners and their co-accused did not entitle them to the grant of bail. He, however, concedes that the petitioners were first-time offenders, in custody since 05.02.2024 and that no specific injury had been attributed to them.

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

6. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are first-time offenders, in custody since 05.02.2024 and no specific serious injury has been attributed to them. In this situation, the further incarceration of the petitioners is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners is ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.25,000/- each 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 petitioners from trial without sufficient cause.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.04.2024
JITESH

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