

CRM-M-19927-2024

2024:PHHC:058225

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-19927-2024

Date of Decision : April 29, 2024

HARMANDEEP SINGH ALIAS HAMMA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ranwant Singh, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.179 dated 25.11.2023, under Sections 307, 341, 323, 506, 427, 148, 149 IPC (Section 325 IPC added lateron), registered at Police Station Sadar Kotkapura, District Faridkot.

2. The present FIR has been registered on the statement made by Lakhvir Singh @ Lakha. The relevant extract of the same reads as under:-

“That I was riding the said motorcycle and when we reached near village Nawan Nathewala then at about 10:30 AM on the road Angrej Singh @ Bittu S/o Dulla Singh armed with iron Garari, Jashandeep Singh @ Jassi @ Makhi S/o Angrej Singh armed with Khanda, Jagreet Singh @ Reet @ Billa S/o Angrej Singh @ Bittu

Bhola Singh armed with handle of water tap, Karandeep Singh @ Novi S/o Gursewak Singh armed with baseball bat, Vicky S/o Bhola Singh armed with Baseball bat, Sukhpreet Kaur W/o Angrej Singh @Bittu Rio Nawa Nathewala restrained them and Sukhpreet Kaur raised lalkara they we be caught and taught a lesson for helping their neighbor Karamjit Kaur in raising construction of house. That in the meantime Jagreet @ Reet gave a blow with handle of water tap to me which struck on the first finger of my right hand. Then Harmandeep @ Huma gave a blow with handle of water tap on me which struck on the palm of my right hand. Then Angrej Singh @ Bittu gave a blow with an iron garari which struck on elbow of left arm. Then we both fell down and in the meantime Jashandeep Singh @ Makhi gave a blow with Khanda with full force with an intention to kill me which struck on the left side of his head, That I raised alarm Marta Marta then Jagreet Singh @ Reet gave a blow with handle of water tap which struck on thigh of left leg. Then Jashandeep Singh gave a blow with Khanda which struck on calf of my left leg. Then Harmandeep Singh @ Hamma gave a bow with handle of water tap which struck on left thigh. Then Vicky gave a blow with baseball bat which struck on his back. Then Karamdeep Singh @ Novi gave a blow with baseball bat which struck on his back. Then Angrej Singh @ Bittu gave blow with iron Garari which struck on his left hand. Then I raised alarm for help. That all the accused have also inflicted injuries to my cousin and also damaged my motorcycle. That people gathered on the spot after listening to my alarm. Then all the accused ran away from the spot along with their respective

weapons after give us life threats.”

3. In the asking for the relief of regular bail, the learned counsel for the petitioner submits that the petitioner has caused injury with blunt weapon i.e. the handle of tap on the right hand of the complainant, which was subsequently declared as a simple injury. The second injury on the left thigh of the complainant, was also declared as a simple injury, which was also caused by blunt weapon. The injury which was caused to the other injured-Gurdeep Singh, by the petitioner, was also declared as a simple injury. He further submits that the injuries suffered by the complainant and other injured, have not been declared as dangerous to life and there is no opinion of the medical expert and, therefore, provision of Section 307 IPC, could not have been invoked by the prosecution. He further submits that the main injury is attributed to the other co-accused Jashandeep Singh @ Jassi @ Bittu.

4. Per contra, the learned State counsel has opposed the grant of regular bail to the petitioner on the ground that the petitioner was a member of an unlawful assembly and Jashandeep Singh @ Jassi @ Bittu has caused the main injury, which infact was declared dangerous to life, though there is no opinion of any medical expert on record, but the number of injuries suffered by the complainant and another victim, clearly spells out that the act of the petitioner and the other co-accused invites penal provisions of Section 307 IPC. The learned State counsel has placed on record the custody certificate, which make revelations that the petitioner has suffered incarceration of 5 months and 1 day as on today and he is not involved in any other case. He further on instructions

imparted to him by the official concerned submits that the investigation in the present case has already been completed and the final report has been filed, but the charges have not been framed yet.

5. Be that as it may, considering the fact that the injury which was attributed to the present petitioner is simple in nature and the petitioner has suffered incarceration of 5 months and 1 day as on today and the fact that the co-accused, namely, Jagpreet Singh @ Reet @ Billa has been granted the benefit of regular bail by this Court vide CRM-M-15642-2024, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

6. The petitioner is ordered to be released on bail, on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

April 29, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No