



**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210

**CRM-M-20721-2024
Date of Decision: 19.07.2024**

Mengal Singh @ Mangel Singh ...Petitioner
Vs.
State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Arshpreet Khadial, Advocate, for the petitioner.
Mr. Deepinder Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. A reply by way of an affidavit of the Deputy Superintendent of Police, City-2, Bahinda, District Bathinda has been filed on behalf of the respondent No.1-State and the same is taken on record.
2. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0047 dated 20.05.2022 registered under Sections 302, 460, 148, 149, 506 and 323 of IPC, 1860 and Section 325 IPC added later on vide challan Police Station S.G.N. Dev Thermal Plant, District Bathinda (Annexure P-1).
3. The FIR in the present case was registered on the basis of the statement made by Kulwinder Singh @ Bhinda that on 19/20.05.2022 at about 12:00/12:30, he (complainant) heard the noise 'Marta-marta' and 'na-mano na-mano' and on this he came out of



room and saw that Kuldeep Singh armed with *Kirpan*, Jiwan Singh armed with *Dang*, Prakash Singh @ Tindo armed with iron rod, Kashmir singh @ Nikka armed with spade, Nikka alongwith his father Raju and 6-7 other unknown persons, who were armed with rods, *Kirpans* and *Soties* were caused injuries to his brother and also started threatening him with dire consequences. Thereafter, the accused persons ran away from the spot alongwith their respective weapons. His brother succumbed to the injuries at about 04:30 a/m. Motive behind this occurrence is that about 1.1/2 years back, the aforesaid Kuldeep Singh, Manjinder Singh @ Mandhi and Kashmir Singh @ Nikka had a quarrel with his brother regarding the labour work.

4. Learned counsel for the petitioner contends that the petitioner was not named in the present case and no role was attributed to him. He further contends that during the course of investigation, the statement of Satnam Singh @ Sattu, injured was recorded and the general allegations were levelled against him with regard to the participation in the alleged occurrence. Later on the statement of Sukhmander Singh, injured was also recorded and as per his statement, the petitioner had caused an injury with an iron rod on his left ear. Learned counsel further contends that the said injury has been declared to be grievous in nature. No injury to the deceased has been attributed to the present petitioner. He further submits that co-accused namely Hardev Singh has been granted the concession of



regular bail whereas, co-accused Gurdas Singh has been granted the concession of anticipatory bail by this Court. The petitioner was arrested on 27.05.2022 and is not involved in any other criminal activity.

5. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime with other accused and specific allegations have been levelled against him by Sukhmander Singh, injured. He could not dispute the fact that the petitioner had not caused any injury to the deceased and only a grievous injury to Sukhmander Singh, injured has been attributed to him.

6. I have heard learned counsel for the parties and perused the record.

7. It is not disputed that the petitioner was not initially named in the FIR and has been arrayed as an accused on the basis of the statement made by Sukhmander Singh, injured. Even no injury to the deceased has been attributed to him and he is in custody for the last about 02 years and 02 months. Moreover, the present petitioner is a first time offender.

8. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the



satisfaction of the learned trial Court/Duty Magistrate/CJM
concerned.

19.07.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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