



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

CRM-M No.22949 of 2024 (O&M)

Date of decision: 21st August, 2024

Krishna @ Ganna

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Baljinder S. Singhvi, Advocate for the petitioner.

Mr. Shiva Khurmi, Asst. Advocate General, Punjab
for the respondent/State.

Mr. Karandeep S. Sidhu, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.305 dated 27.12.2022 under Sections 323, 324, 148, 149, 120-B of the IPC (Section 326, 307 IPC added later on) registered at Police Station City Muktsar.

2. Learned counsel for the petitioner submits that he has been in custody since 14.06.2023 in a case of false implication which finds due credence from the fact that while stepping into the witness box, the injured/complainant categorically deposed that the petitioner was not one of those persons, who had accompanied co-accused and inflicted injuries upon him. In support, learned counsel has drawn the attention of this Court to the deposition of the complainant (Annexure P-6), who was examined as PW-1 before the learned trial Court and who had been declared hostile by the prosecution. Learned counsel further submits



that sine the sole material witness in the present case has been examined and has been declared hostile, further incarceration of the petitioner would serve no useful purpose as 20 prosecution witnesses still remain to be examined. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel assisted by the learned counsel for the complainant, on instructions from ASI Sukhwinder Singh, have not opposed the submissions made by the counsel opposite qua the sole material witness in the present case, i.e. the injured/complainant, having been examined and having been declared hostile.

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

“Statement of Happy Singh S/O Baldev Singh S/ O Jora Singh R/O village Dohak Police Stattion Bariwala, District Sri Muktsar Sahib, age near about 28 years, Mobile no. 98150-05486. I am the resident of above address and doing the work of agriculture. Yesterday on dated 26.12.2022, I had come to the S.S.P office, Sri Muktsar Sahib with regard to F.I.R registered against me in Police Station Sadar Sri Muktsar Sahib. I came to know having reached at S.S.P office that today S.S.P did not come to office. I went back to city where I met with my cousin Mahakdeep Singh, Son of my Masi. We both wandered around the city doing our work. Around 3:00



clock we started purchasing vegetables in vegetable market before City Police Station. Mehakdeep Singh kept purchasing vegetables from different stall and I kept purchasing from different. In this time, nine-ten people came on motorcycles and I saw that Om one of them father name unknown resident of Kotli Road SMS Dasti Kirpan, Krishana @ Ganna R/O Tilak Nagar SMS Dasti Kapa, Gallu father name unknown R/O Uccha Vehdha SMS Dasti Kirpan, Sameer Khan S/O Rahseed Khan R/O Aadarsh Nagar Dasti Khanda, Navi S/O Ashok Kumar R/O old house of Jagmeet Brar, Colony of Chamars SMS dasti Danda and four-five unidentified names boys in whose hands there were Kapa, Kirpan and Dasta of Kahi. Om among of them attacked directly on my head with his Dast Kirpan which hit me directly in my head. I immediately started running toward park. They all started chasing me and attacked me with their respective weapons which I got on my head because of which I fell down in front of behind gate of Guru Govind Park. When I fell down then Sameer with his Dasti Khanda, Krishna @ Ganna with his Dasti Kaapa, Gollu with his Dasti Kirpan, Navi with his Dasti Kandha and four-five young person names unknown attacked with their respective weapons on me with intention to kill me. Because of these attacks I got acute injuries on my head, arms, hands, back and right leg. During this time, my Masi's Son Mahakdeep Singh and Others peoples assembled, because of this reason all the accused run away from the spot with their respective weapons. My Masi's Son Mahakdeep Singh got me admitted in Civil Hospital Sri Muktsar Sahib having taken some vehicle. Having given first aid, doctor referred me to



GGS Medicinal College and Hospital Fridkot where I am under treatment. This is the reason for resentment that some time ago, I had a quarrel with Gollu who said to me I will teach you a lesson. So Gollu mentioned above had injured me with intention to kill me. So the legal action should be taken against all mentioned above.”

5. The petitioner has now been in custody since 14.06.2023 and there is no likelihood of the trial concluding in the near future as 20 prosecution witnesses still remain to be examined. In addition to this, the sole material witness i.e. the injured/complainant already stands examined. 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.

6. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 21, 2024
rps

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