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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.24645 of 2024
Date of Decision: 18.09.2024

Rajinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harneet Singh Oberoi, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

Mr. Vikas Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
112	22.12.2023	Ghagga, District Patiala	341, 323, 506, 148 and 149 of IPC

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement made by the complainant Parkash Singh on 22.12.2023 alleging therein that on 21.12.2023 at around 8:30 AM, he was going towards his farm and while he was climbing a bridge on the way, he was intercepted by the accused Gurinder Singh, Karnail Singh who were

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standing behind a tree along with 3-4 more persons unknown to the complainant. After stopping his motorcycle, they took out keys of his vehicle. In the meanwhile, the petitioner and co-accused Virsa Singh reached there in a White colour car and hit his motorcycle from behind. He fell down. They opened an assault upon him. The petitioner struck a blow with danda on his ankle and knee whereas the accused Virsa Singh hit his head with a rod. The other accused also caused injuries to him. He raised rescue alarm which attracted his neighbourer Kuldeep Singh who rushed for his rescue and then the assailants fled away. He was taken to the hospital for treatment. While alleging that the assailants intended to kill him, prayed for taking action against them. On the basis of his statement, initially a case under Sections 148, 323, 341 and 506 read with Section 149 of IPC was registered. Investigation proceedings were initiated. Offences under Sections 307 and 325 of IPC were added later on, on receipt of medico legal report of the complainant. The present petitioner was arrested on 09.02.2024. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 06.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version since a cross case has been registered on the basis of complaint lodged by

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the members of the accused party. The role attributed to him was that he had hit the complainant with a daang on his ankle and knees. The injury as attributed to him has not been declared as dangerous to life. He is in custody since 09.02.2024. Investigation has since been completed. Trial is likely to take time. He himself had sustained injuries in the occurrence. No useful purpose would be served by detaining him in custody any more. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State, as per which, the complainant had sustained seven injuries on his person in the occurrence. He suffered multiple fractures. One of such injuries has been declared to be dangerous to life. Learned State counsel assisted by learned counsel for the complainant has argued that the petitioner has criminal antecedents and since as many as eight criminal cases out of which two cases pertain to the offence for making attempt to murder have been lodged against him. He is a habitual offender. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner is alleged to have formed membership of an unlawful assembly along with the co-accused and in pursuance of common object of that unlawful assembly, he is alleged to have voluntarily caused simple as well as grievous injuries to the complainant. One of the injuries so

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sustained by the complainant has been opined to be dangerous to life. He is also alleged to have criminally intimidated the complainant. No doubt, on the basis of some complaint lodged by one Virsa Singh, a case has been registered with regard to the same occurrence. However, at this stage, it cannot be stated that the complainant party was aggressor party. A photograph of the complainant has been placed on record showing his critical condition. The allegations against the petitioner are serious in nature. He is presumed to be vicariously liable for the acts committed by the co-accused as well in view of the provisions of Section 149 of IPC. The complainant is yet to be examined. The antecedents of the petitioner are not clean. The apprehension that he might intimidate the complainant or other material witnesses if extended benefit of bail cannot be stated to be unfounded at this stage. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

18.09.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No