



CRM-M-26130-2024

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286-1
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26130-2024
Decided on : 18.09.2024

BALVINDER SINGH
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shiv Kumar Sharma, Advocate
for the petitioner.
Mr. Randhir Singh Thind, DAG, Punjab.
Ms. Palvi, Advocate for
Mr. Ishan Gupta, Advocate for complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 of Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.31 dated 10.03.2024, registered under Sections 307, 323, 324, 506, 148, 149 of IPC and Sections 25 and 27 of Arms Act (Sections 325 and 201 of IPC added later on), at Police Station Sadar Sangrur, District Sangrur.

2. Succinctly the facts in brief are that the present FIR was registered on the allegations of the complainant that he was in a partnership with Davinder Singh and one Banita Rani @ Vinita. The work was running at a good pace but suddenly the factory was in debt of about Rs.3 crores and when the complainant asked for books of accounts of the factory, Davinder Singh refused to supply the same. On

On the alleged date of incident the complainant along with his relatives and his



customers to whom he had to deliver JCB machines and ripper machines came to the factory and asked Soni, who was a worker in the factory, to return the money of subsidy which is outstanding against the factory. Upon this soni called Rajinder Pal father of the Davinder Singh. Rajinderpal raised a Lalkaara. Arshdeep and Rajinder Pal with an intention of killing, fired at the complainant and his accompanies and the petitioner-Balvinder Singh attacked with an iron bar on fingers of right hand of Lakhwinder Singh and further threatened not to enter the factory again.

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and the petitioner did not inflict any injury to the complainant or his accomplices. He further submits that as per the allegations in FIR the injury attributed to the petitioner is a iron bar blow on the right hand Lakhwinder Singh. The petitioner has already undergone an actual custody of 06 months and 04 days and he is not involved in any other criminal case.

4. Per contra, learned State counsel and learned counsel for the complainant has vehemently opposed the submissions made by the learned counsel for the petitioner. Custody certificate filed by learned State counsel is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 06 months and 04 days and there are no other cases registered against him. He further on instructions submits that the charges were framed on 11.09.2024 and out of 26 prosecution witnesses, none has been examined till date. He, however, submits that there are serious allegations against the petitioner, therefore, he is not entitled to the concession of regular bail.



5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations levelled against the petitioner shall be established during the course of the trial. Admittedly, the investigation is complete and the charges were framed on 11.09.2024 and out of 26 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 06 months and 04 days and he has clean antecedents. The conclusion of the trial will take considerable time and further incarceration will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.



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9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

18.09.2024
Kavita

(KIRTI SINGH)
JUDGE

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