

2024.FHHG:083822



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

Sr. No.299

**CRM-M-28516-2024(O&M)
Date of decision : 08.07.2024**

Nishan Singh @ Nishan @ Mota and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S. Sidhu, Advocate, for the petitioners.

Mr. Neeraj Madan, Sr. DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition under Section 439 Cr.P.C. has been filed for grant of regular bail to the petitioners in case FIR No.216 dated 17.11.2023, under Sections 452, 323, 324, 148, 149 (section 307 IPC added later on), registered at Police Station Beas, District Amritsar.

2. Learned counsel for the petitioners *inter alia* submits that it is alleged that the petitioners had raised lalkara and petitioner No.1 gave a datar blow, from the reverse side, on the right arm of the complainant and petitioner No.2 gave a datar blow on the right hand. He submits that the complainant party had also attacked upon the petitioners and petitioner No.1 had received 03 injuries including one grievous injury and the petitioners had also lodged the cross version vide GD No.025 dated 06.12.2023 in this regard and there is a delay of five days in lodging the FIR. He further submits that co-accused Sahil Singh @ Golu had been granted the concession of regular bail by this Hon'ble Court vide order dated 22.04.2024 passed in CRM-M-17947-2024. Copy of the said order is annexed as

Annexure P-9. Thus, the petitioners may be granted regular bail.

2024.07.08 18:35



3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners. He states that the petitioners were actively involved in the commission of the offence. He has filed custody certificates in Court today and the same are taken on record. As per custody certificate, petitioner No.1-Nishan Singh @ Mota has undergone actual custody of 04 months and 03 days and petitioner No.2 has undergone actual custody of 07 months and 15 days and is not involved in any other criminal case. He on instructions from the concerned investigation officer submits that challan had been presented on 13.05.2024 and charges are yet to be framed. He further submits that in view of the serious allegations against the petitioners, they are not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, challan has been presented and charges have not yet been framed and further incarceration of the petitioners would not serve any purpose.

6. Keeping in view the fact that the injuries attributed to the petitioners are simple in nature, the petitioners had also suffered injuries, and a complaint had also been registered by petitioner No.1-Nishan Singh @ Mota qua that and the co-accused has already been granted the concession of regular bail, this Court is of the view that the petitioners deserve the concession of regular bail. Accordingly, the present petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial

2024.07.08:083822



Court/Duty Magistrate. The petitioners shall also abide by the following conditions:-

- (I) The petitioners will not tamper with the evidence during the trial.
- (II) The petitioners will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioners will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioners shall not commit an offence similar to the offence of which they are accused of, or for commission of which they are suspected.
- (V) The petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. 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.

8. 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.

9. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

08.07.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No