



CRM-M-31500-2024

[1]

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

[234]

CRM-M-31500-2024

Date of decision: 08.08.2024

Nanak

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Arnav Sood, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.101 dated 08.11.2022 for offences punishable under Sections 379-B, 307, 325, 323, 148 and 149 of the IPC, registered at Police Station S.G.N. Dev Thermal Plant, Bathinda, District Bathinda.

2. Learned counsel for the petitioner submits that a perusal of the FIR, which has been annexed as *Annexure P-1*, clearly indicates that neither was the petitioner named therein, nor any suspicion raised qua his involvement in the crime in question; he came to be nominated as an accused in a supplementary statement suffered later by the complainant wherein also the only role attributed to him was of being present alongside the other accused. Learned counsel has argued admittedly even as per the case of the prosecution, the petitioner had not been attributed any injury; the injury inviting the provisions of



Section 307 IPC, have been attributed to co-accused, namely, *Monu*, who allegedly inflicted a *Kappa* blow on the person of the complainant.

3. A prayer has therefore been made that in the aforementioned facts and circumstances, more so when the investigation in the present case is complete and charges stand framed, further incarceration of the petitioner would serve no useful purpose, as the prosecution evidence is likely to commence only on 09.08.2024.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Parminder Singh, has not been able to dispute that the petitioner was not named in the FIR in question and even in the supplementary statement, no allegations were levelled against him much less of inflicting any injury on the person of the complainant party.

5. Learned State counsel has also not disputed the stage of trial and, on instructions, has submitted that as many as 25 prosecution witnesses have been cited.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. The contents of the FIR in question stand reproduced as hereunder:-

“Statement of Sandeep Singh son of Makhan Singh son of Lalu Singh, resident of near R.O village Thehri District Sri Muksar Sahib aged about 27 years, mobile No.62347844600 states that I am resident of above said address and I am working as farmer along with my neighbour Harpreet Singh son of Bhola Singh,



resident of Thehri, purchased Garlic in whole sale from mandi Dabwali and we both are having our tractor and trolley respectively and we both after loading the garlic and onion on our tractor trolley sell it on retail. Yesterday on dated 07.11.2022 I on my tractor which I have purchased new and number has not been issued and Harpreet Singh on his tractor for selling of the garlic and onion had came to Bathinda City and in the evening we for taking rest had to stop at Dhaba at Malout Road and when we reached T- Sivian Road, in front of main road then we after parking our tractor started cleaning our trolley then at about 9.00 FM from the side of Kheta Singh Basti 8-10 young persons out which Kukna resident of Janta Nagar having Kappa, Shubham Bishnoi having dang, Biru resident of Hardev Nagar having Kappa, whom I know earlier and along with them 5-6 unidentified persons whom were having dandas and soties came towards us and upon coming they started beating us and Shubham Bishnoi upon coming gave dasti kappa below on me which hit right leg Biru gave dasti kappa blow on me which hit on my right hand on the backside and I fell down due to which, got injuries on my left arm and when Harpreet Singh in order to rescue me came there then Shubham Bishnoi beaten him with dasti rod and remaining started beating with fist and slaps and Shubham Bishnoi snatched RS.38,000/- from the pocket of my pant and this money of the total sale of the day and when we raised raula of marta marta then Som Nath son of Snate Kheta Singh beati and Mona Kumar son of Bhim Singh resident of Gall no.2, kheta Singh basti whom are my friends came to us and from these unknown, one unknown person gave kappa blow on the head of Monu which hit on the middle of the head and all beaten Som Nath and also gave injuries to him and upon seeing the gathering of the people all the persons ran away from the spot then in the meantime Loodo Kumar son of Shankar Dayal resident of Gali no.2. Kheta Basti came there whom after arranging the ambulance got Bathinda being where us admitted to civil hospital we under treatment and there serious injury on Monu Kumar he referred and all these persons had beaten us and gave injuries to us and snatched our money.”



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8. In the facts and circumstances as enumerated hereinabove, when concededly other than the petitioner's presence being shown along with the co-accused, no specific injury has been attributed to him, this Court thus deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

AUGUST 08, 2024

*Anjal**

**(MANJARI NEHRU KAUL)
JUDGE**

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