



CRM-M-31331-2024

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**246 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-31331-2024
Decided on : 13.08.2024

Charanjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Harpreet S. Multani, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Upinder Singh, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.101 dated 10.05.2024 under Sections 307, 295, 323, 341, 506, 148 and 149 IPC registered at Police Station Sadar Commissionerate, Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case for allegedly inflicting injuries on the person of the complainant along with the other co-accused. While drawing the attention of this Court to the FIR in question, which has been reproduced in the body of the paper book, it has been submitted that the ingredients of the alleged



offence are totally amiss in the case as no grievous injury was suffered by the complainant, and even otherwise, the only role attributed to the petitioner was a lalkara and during the alleged scuffle, the turban of the complainant fall on the ground. It has been further submitted that in fact it is the complainant party, which had initiated the occurrence in question by inflicting grievous injuries to the driver of the petitioner leading to the accused party herein sustaining fractures on their person. It has also been submitted that the occurrence in question took place in the midnight of 9/10.05.2024 and soon thereafter, the injured persons on the side of the accused party were removed to the hospital where they were then medico-legally examined. In support, learned counsel has drawn the attention of this Court to Annexure P-3, which are medico-legal reports of Sukhjinder Singh and Sahibjeet Singh. Learned counsel has still further submitted that a false and fabricated case has been planted upon the petitioner and the co-accused on account of the influence wielded by the complainant party. Learned counsel has also argued that the false implication of the petitioner in the alleged crime finds credence from the fact that he is a man of clean antecedents as there is not even a single case registered against him, and still further, even as per the case of the prosecution, the petitioner was not armed with any lethal weapon at the time of alleged occurrence.



3. Learned counsel has, therefore, argued that since investigation in the present case is complete with the challan already presented, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable amount of time to conclude.

4. Per contra, learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. It has been submitted that the petitioner along with the co-accused assaulted the complainant party, as a result of which, the complainant sustained injuries on his person. It has been further submitted that though in the FIR in question, the only role attributed to the petitioner was a lalkara, however, there were specific allegations against all the accused including the petitioner that they had beaten up the complainant.

4. On a pointed query put to the learned State counsel as to whether the petitioner had been attributed any specific injury, he, on instructions, has replied in the negative and further submitted that the injuries sustained by the complainant were declared to be simple in nature. Learned State counsel, on further instructions, has not disputed that the petitioner has clean antecedents; the status of the trial has also not been disputed. It has, however, been submitted that the case is now fixed for consideration for charges.

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



6. Before proceeding further, it would be apposite to reproduce the allegations levelled in the FIR in question, which are as under:

*"Statement of Mandeep Singh Son of Gurpal Singh Resident of Village Jhamat District Ludhiana aged 37 years Mobile No. 7814055380 has stated that I am the resident of the above said address and I am office incharge of MLA Jeevan Singh Sangowal. Today, dated 09.05.2024, there was ceremony program of son of the MLA sahib's at his residence. At around 12:00 AM on 10.05.2024, Sahibjit Singh @ Sabi, a resident of village Jhamat and Block President of our party, left the function and went outside. When I also went outside, I saw Sahibjit Singh @ sabi surrounded by **Charanjit Singh Balara** and his son along with 10 unknown persons armed with baseballs and sticks. **Charanjit Singh Balara** removed Sabi's turban, Binny Balara hit Sahibjit Singh with intention to kill him on the head with a sharp weapon. The other individuals with sticks and baseballs also started beating Sahibjit Singh. When I intervened, requesting them not to disrupt the wedding celebration of MLA Sahib's son, but they turned on me and removed my turban as well. When I shouted for help "Mara dita-Maar data", they threaten us and fled with their weapons from the spot. Alongwith my colleagues, including Chetan Sharma, we took Sahibjit Singh to Pancham Hospital, where was referred to DMC hospital after receiving basic medical attention. Sahibjit Singh @ Sabi, is currently admitted to DMC hospital in a conscious state, receiving treatment. I*



*request you that take legal action against **Charanjit Singh**, his son Binny Bulbar and the 10 unknown persons involved. Statement written and heard it's correct. Sd/ Mandeep Singh 7814055380 verification SD/ Satwinder Singh SI Chownki Mardo, PS Sadar Ludhiana dated 10/05/2024”*

7. As not disputed by the learned State counsel that the injuries sustained by the injured were simple in nature; the petitioner has not been attributed any injury other than a lalkara. The petitioner has been in custody since 10.05.2024. The investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are yet to be framed.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. 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.

13.08.2024
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(**MANJARI NEHRU KAUL**)
JUDGE

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