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ornaments and wallet of the complainant. Meanwhile, lot of people from neighbourhood gathered and accused persons fled from the spot with their respective weapons. Both the injured were hospitalized. It was also stated that the house of the complainant was earlier also damaged in the year 2021 and injuries were also inflicted to him, regarding which he had already registered a case against them. After getting bail in that case, the accused party again attacked them out of grudge. So, the FIR in question was registered.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. He has not been named in the FIR. The person, who is named in the FIR is one **Gurlal Singh son of Jagseer Singh** whereas the present petitioner is **Gurpal Singh son of Jagsir Singh**. So, his identification, which is basis of naming anybody in a crime, is in dispute. He was not present at the spot. He was arrested in the present case on 17.03.2024 and is behind bars since then. There is long gap of more than six months between registration of FIR and arrest of the petitioner. Learned counsel has further stated that petitioner has been made victim of the situation due to animosity between the petitioner and the complainant. Actually, wife of the complainant namely Simarjit Kaur was thrown away by the complainant after giving beatings to her. She started living in one room in the house of the petitioner and also started doing house-work of the petitioner. Learned counsel has referred to an affidavit dated 01.06.2020 (Annexure P-2), duly sworn in by wife of the complainant, stating the whole version. It has further been submitted that the challan has already been

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presented. However, completion of trial may take a long time. It has therefore been prayed that the petitioner be released on bail.

4. Status Report by way of affidavit of Pardeep Singh, PPS, Deputy Superintendent of Police, Sub-Division Phul, District Bathinda, on behalf of respondent-State, along with Custody Certificate of the petitioner, has been placed on record. Learned State counsel, while referring to the Status Report, has opposed the bail petition. While reiterating the prosecution version, it has been submitted that injury nos.1 and 8 have been attributed to the petitioner, out of which injury no.1 was grievous in nature though injury no.8 was simple in nature. The weapon used in the crime i.e. *gandasa* was also got recovered from the house of the petitioner, on the basis of his own disclosure statement during investigation. Though the challan has been presented but the investigation is under-way against the remaining accused and after completion of the same, supplementary challan would be presented before the Court. It is further submitted that earlier also, an FIR No.171 dated 12.08.2023, under Sections 458/323/427/506/148/149 IPC, Police Station Rampura City, District Bathinda was registered against the petitioner. So, the petitioner does not deserve concession of bail.

5. Heard.

6. The allegations against the petitioner are that he had inflicted injuries on the person of complainant as well as his brother. He was not alone but accompanied by a group of other persons as well. Two injuries have been attributed to the petitioner, out of which one was grievous. The motive behind the incident seems to be old animosity between the parties.



As per the Custody Certificate, petitioner is in custody in this case for the last more than five months. The challan in this case has already been presented. The petitioner has seriously disputed his presence at the spot at the time of occurrence. Rather, it has been submitted that it is some one else with a similar name, who is the actual culprit. The said fact cannot be ignored at this stage.

7. In view of the peculiar facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

10. Pending applications, if any, shall stand disposed of along with the present petition.

August 23, 2024  
monika

(GURBIR SINGH)  
JUDGE

|                             |         |
|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |