

2024:PHHC:113359



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M No.31734 of 2024
Date of Decision: 31.08.2024

Gurvinder Singh alias Ginda alias Rinda ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sumeet Puri, Advocate,
for the petitioner.
(Through Video Conferencing)

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
203	12.10.2023	Lehra, District Sangrur	323, 341, 148, 149, and 427 of IPC

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Parminder Singh alleging therein that on 10.10.2023, he along with Gurpreet Singh and Laddi was going from Village Ghorenab to Lehra on the motorcycle of Gurpreet Singh. He was the pillion rider. When they were about to reach brick kiln existing within the revenue area of Village Ghorenab, their vehicle was

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intercepted by the occupants of two vehicles make Swift car and Verna car who stopped their motorcycle. The petitioner along with co-accused alighted from one of these vehicles and all of them opened an attack upon the complainant and his companions. The present petitioner was armed with a gandasa. Ten unidentified persons armed with sticks and swords had also reached there in the meanwhile and they started extending threats to kill the complainant and his companions. The accused Harpreet Singh struck a blow with sword on the head of the complainant whereas accused Satta struck a blow with takua on his head due to which he had fallen down. The remaining accused also caused several injuries on his person. His companions were also assaulted by the assailants and then assuming them to be dead, they left the place of occurrence after damaging their motorcycle. The complainant and the other injured were admitted to hospital by one Gurinder Singh. After registration of FIR, investigation proceedings were initiated. During investigation, offences under Sections 324, 325, 326 and 201 of IPC were added. The present petitioner was arrested on 13.04.2024. The co-accused Tarsem Singh alias Shanty was arrested on 23.04.2024. Investigation against both of them has since been completed and challan has been presented against them. The remaining accused could not be arrested so far. The petitioner had filed an application for grant of bail which had been dismissed by the Court of learned Additional Sessions Judge, Sangrur vide order dated 11.06.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of two days in reporting

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the matter to the police. No specific injury has been attributed to him. He is in custody since 13.04.2024. The trial is likely to take time. No useful purpose would be served by detaining him in custody any more. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel argued that there are specific allegations against the petitioner. Several injuries were caused by the petitioner and the co-accused to the members of the complainant party many of which have been declared to be grievous. The petitioner has criminal antecedents since as many as three FIRs have been registered against him. There are chances of his committing similar offences or absconding if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly on 10.10.2023 and in prosecution of common object of that unlawful assembly, he is alleged to have caused simple as well as grievous injuries to the members of the complainant party. There are also allegations of his damaging the motorcycle belonging to the victim Gurpreet Singh by them. The subject offences are, however, triable by Magistrate. The investigation has since been completed and challan against the petitioner stands presented. His custodial interrogation as such is no more required. The trial is likely to take

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time. There is delay of two days in reporting the matter to the police. The further detention of the petitioner would not serve useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the nature of the subject offences, the qunatum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

31.08.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No