

CRM-M-32548-2024
Decided on : 10.09.2024

Versus

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.29 dated 09.06.2024 under Sections 308, 323, 341, 427 and 34 IPC registered at Police Station Sadar Morinda District Rupnagar.
2. Learned counsel for the petitioners submits that the petitioners have been in custody since 10.06.2024 and a perusal of the FIR, which has been annexed as Annexure P-1 clearly reveals that although they both have been named therein, however, no specific injury much less on the head of the opposite party has been



attributed to either of them. In support, learned counsel has drawn the attention of this Court to the allegations levelled in the FIR in question, which stands reproduced as under:

*“Stated that I am resident of above said address and doing agriculture work. I have taken land on lease/contract in village Ranjit Pura from Jaswinder Singh and Harvinder Singh sons of Natha Singh. Yesterday on 08.06.2024, I was going back from these fields to my house on my motor cycle make Hero Honda Passion Plus bearing no.PB12Q2542. When at about 01.30 P.M., I reached near Brar Farm, village Ranjit Pura then four young men on two motor cycles were standing on the turning point on the unpaved passage leading from village Chtamle, amongst them I was acquainted to one man. He was Parambir Singh resident of village Bharatpur, whose sister is married in our village, who frequently visits to our village, he made a sign towards me to stop. As soon as I stopped, they tried to beat me with the sticks having in their hands then I left my motor cycle there and ran towards Ranjit Pura then they also followed me. I, in my defense, entered into maize fields in front of Brar Farm then they also while following me entered into the fields and surrounded me and made assault on me with the sticks in their hands with the intention of killing me. Amongst them, Parambir Singh told another hair cut young man that **Sukhi,***



*you catch hold him from his arms, then they caught hold me and they made several attacks on my legs and arms and then **Sukhi**, told Parambir Singh that he will not die like this, Parambir you hit sticks in his head and Channi you also catch hold his arms. Then Parambir Singh, with the intention of killing me, made attacks five-six times into my head with the stick and told that today let us teach him a lesson to stare at us. Due to that blood started oozing out of my head. In my rescue, I made noises then from the front, Gurinder Singh son of Baljit Singh resident of village Raniga came from Brar Farm, who rescued me from them the Parambir Singh called the accompanied young man and told that **Gaurav** bring the motor cycle. All of them ran away from the spot alongwith the sticks on two motor cycles. While going away they also hit stick on my mobile phone and damaged it. I have read number of one motor cycle amongst the motor cycles of these persons i.e. PB 65S 2447 make splendor black colour. I can recognize the remaining accused persons on coming across to them. Then I fall down in unconsciousness in the maize fields. From there, my uncle's son Sapinder Singh son of Darsan Singh resident of Khairpur (Dhangrali) got me admitted in Maavi Hospital Morinda while in unconsciousness condition, there I am undergoing treatment. I do not know why they have inflicted injuries to me. Action may be taken against the*



*above said Parambir Singh, **Sukhi**, Channi and **Gaurav**. Statement got recorded before you, read and heard and is correct. Sd/-"*

3. Learned counsel has further argued that since investigation in the present case is complete, further incarceration of the petitioners in the aforementioned facts and circumstances, especially the role attributed to the petitioners in the crime in question, would serve no useful purpose as charges are likely to be framed only on the next date of hearing i.e. 19.09.2024 coupled with the fact that 11 witnesses have been cited by the prosecution.

4. Per contra, learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer made by learned counsel for the petitioner. Learned State counsel, on instructions from ASI Mohan Singh, has not disputed the custody period of the petitioners; the factual aspect of the role attributed to both the petitioners have also not been disputed by the learned State counsel.

5. On a pointed query put to the learned State counsel as to whether petitioners have any criminal antecedents, he, on instructions, has replied in the negative.

6. Learned counsel for the complainant has submitted that the petitioners were active participant in the crime in question; petitioner No.2 Sukhwinder Singh @ Sukhi had instigated the co-accused to inflict injuries upon the complainant party, who then inflicted injuries on



the person of the complainant including injury on the head of the complainant.

7. On a pointed query put to the learned State counsel as to what was the nature of injuries inflicted upon the complainant party, he on instructions, has submitted that all the injuries were opined to be simple in nature.

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

9. The petitioners have been in custody since 10.06.2024. There is no likelihood of the trial concluding in the near future as charges are yet to be framed; the petitioners are not stated to be involved in any other criminal case coupled with the fact that they have not been attributed any injury on the person of the complainant.

10. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioners. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

11. 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.



12. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

10.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

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