



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.31509 of 2024 (O&M)
Date of Decision: 16.07.2024

Manjeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Narula, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

None for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Police Station	Sections
240	Sadar Fazilka, District Fazilka	323, 324, 506, 148 and 149 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 10.12.2023, on the basis of statement recorded by the complainant Jawalo

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Bai alleging therein that Sunita Rani who was daughter of her brother-in-law Gopal Singh had performed court marriage with the petitioner about three years back and ever since then, the relations between their families were not good and quarrels used to take place amongst themselves. She alleged that on 07.12.2023, she along with her husband was present in her grocery shop, when the petitioner along with the co-accused named in the FIR and 4-5 unknown persons, all of whom were armed with weapons came outside their shop. The petitioner gave a lalkara to catch hold of the complainant and her husband to teach them a lesson. Thereafter, the petitioner himself opened an attack upon the complainant and struck a blow with a kappa which he was holding in his hand. The weapon hit the finger of her left hand. The remaining accused also caused injuries to her husband and herself. Alarm raised by them attracted their family members who rushed for their rescue and then the assailants fled away. The injured were rushed to the hospital and were provided treatment. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 02.05.2024. Offences under Sections 325 and 326 of IPC were added later on. The petitioner had moved an application for grant of bail which has been dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated 23.05.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 02.05.2024. FIR was lodged three days after the occurrence. The investigation and trial is likely to take time. The petitioner does not have criminal antecedents. No recovery is to be effected from him. His custodial

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interrogation is no more required. No useful purpose would be served by keeping him in custody any more. Therefore, it is argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are specific and serious allegations against the petitioner who by forming membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, opened an attack upon the complainant and her husband and had caused simple as well as grievous injuries to them with blunt as well as sharp edged weapon and criminally intimidated them while committing offence of rioting also. It is argued that there are chances of petitioner's intimidating the witnesses if extended benefit of bail and, 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 is in custody since 02.05.2024. The trial is likely to take time. There is delay of three days in reporting the matter to the police which has not been explained by the complainant in her statement. Keeping in view the period of incarceration of the petitioner, the nature of allegations levelled against him, the fact that the subject offences are triable by Magistrate and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be given concession of bail at this stage.

Accordingly, the petition is allowed and the petitioner is ordered to be

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admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. Miscellaneous application(s), if any, also stand disposed of.

16.07.2024
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(MANISHA BATRA)
JUDGE

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