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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.217

Case No. : CRM-M-32115-2024

Decided On : September 09, 2024

Ageveer Singh @ Judhveer Singh Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Charnjit Singh Bahia, Advocate
and Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.63 dated 03.08.2023, under Sections 307, 324, 326, 382, 353, 148, 149 IPC, 1860, registered at Police Station Nandgarh, District Bathinda.

2. The FIR in question was registered on the statement of Head Constable Kikkar Singh, wherein he stated that he used to perform temporary duty in Excise Department in Circle Ghudda in connection with patrolling on the private vehicles of the liquor contractors on the liquor vends lying in the area of Circle Ghudda. On 02.08.2023, he along with ASI Jatinder Singh and some private officials of the liquor contractors, was going to Village Nandgarh from Ghudda office while patrolling. When their vehicle reached about 2 kilometers ahead of Village Ghudda, one white-



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coloured Swift car, without any number plate was found on the road near Kali Mata temple. Five young persons (two of them were wearing turban and three with cropped hair) were beating a motorcycle rider, who was having parcels of Amazon company. Upon seeing their vehicle, all the young persons immediately fled away from the spot in their car. The motorcycle rider namely Sukhvir Singh s/o Ranjit Singh r/o Naruana told them that above said young persons had snatched his purse having 3-4 thousand rupees, while beating him. On this, the complainant party followed the above said young persons in the vehicle of liquor contractor. While following, when they reached on the link road of Village Dhunike, about 2 kilometers ahead of Village Kaaljharani, then the above said young persons immediately stopped their car on the road and the complainant party made efforts to apprehend them but they attacked them with the deadly weapons by getting off from the car. One young person with turban gave the direct blow of *kirpan* on complainant's head with clear intention of killing him but he raised his right arm for saving himself, which *kirpan* blow hit on the palm of his right hand. Then all the above said assailants fled away from the spot along with their weapons and the car. About them, the complainant got to know later that they were Jodha Singh, Agayveer Singh, Bughi Singh, Harjinder Singh and Kuljit Singh.

3. Learned counsel for the petitioner contends that he has been falsely implicated in the present case. There was only one injury on the right hand of the complainant Kikkar Singh, which has been attributed to the petitioner. However, the police has implicated five accused in this case, which clearly shows the intention of police for implicating everyone without



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even knowing their role in the occurrence. It has also been submitted that Section 307 IPC has been added in the present case without any injury attracting Section 307 IPC. The injury was also on the non-vital part of body of the victim. It has been further contended the petitioner is in custody since 03.08.2023 and conclusion of the trial is likely to take a long time. Challan has already been presented in the case. The other co-accused namely Harjinder Singh @ Bhundi, Jodha Singh and Kuljit Singh, alleged to be involved in the occurrence, have already been granted bail by Co-ordinate Bench of this Court vide orders dated 04.03.2024, 10.04.2024 and 15.02.2024 respectively. Therefore, the case of the petitioner be also considered on parity and he be granted concession of regular bail.

4. Status Report by way of affidavit of Heena Gupta, PPS, Deputy Superintendent of Police, Sub-Division (Rural), District Bathinda, has been filed, which is ordered to be taken on record.

5. Learned State counsel, while referring to the Status Report, has submitted that in view of the nature of the allegations levelled against the petitioner, he is not entitled for concession of bail. He was a member of unlawful assembly and has attacked poor delivery boy of Amazon doing his duty. Not only this, the group including the petitioner, also attacked the police party. Regarding parity, it was submitted that the case of the petitioner is not on parity with the other co-accused as it was the petitioner only, who had inflicted *kirpan* blow to the complainant, who was a police official on duty. Moreover, as per report of the doctor concerned, the injury was grievous in nature. He has, however, fairly submitted that the challan in

the case has been presented before the Court concerned and other co-accused



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have been granted bail by this Court.

6. I have heard the arguments advanced by learned counsel for the parties and have also perused the paper-book.

7. No doubt, as per allegations, the petitioner was a member of unlawful assembly. They not only caused beatings to a poor delivery boy and snatched his money, but also attacked the police official on duty. However, the injury attributed to the petitioner is on the non-vital part on the body of the complainant. The culpability of the petitioner and his co-accused would be decided during the course of the trial. Admittedly, the petitioner is in custody since 03.08.2023 and the trial of the present case is not likely to be concluded in near future. 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. The petitioner shall also abide by the following conditions :-

(i) The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.

(ii) The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.

(iii) The petitioner shall not change his residence without prior intimation to the

concerned Police Station and the Trial Court.

(iv) The petitioner shall appear before the Trial Court on each and every date of hearing.

9. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, the concerned Court is competent to cancel the bail granted to the petitioner.
10. 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.
11. Pending applications, if any, shall stand disposed of along with this judgment.

September 09, 2024

(GURBIR SINGH)
JUDGE

monika

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