



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

237

CRM-M-32169-2024

Date of decision: 12.07.2024

Gurjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Surinder Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.15 dated 20.01.2024 under Sections 326, 325, 323, 427, 148 and 149 of the IPC (Section 379-B of the IPC added lateron) registered at Police Station Ajnala, District Amritsar Rural.

2. Learned counsel for the petitioner submits that a false and fabricated case having been brought forth by the complainant is evident from the fact that firstly there is a delay of 09 days in the lodging of the FIR in question from the date of alleged occurrence coupled with the fact that as per allegations levelled, the petitioner who was allegedly armed with a wooden handle had attacked injured/complainant Gurdit Singh on the rear left side of his head, however, a perusal of MLR of said Gurdit Singh revealed that no such corresponding injury was found on his person. In support, learned counsel has drawn the attention of this Court to the MLR of injured/complainant Gurdit Singh annexed as



CRM-M-32169-2024

-2-

Annexure P-3. It has also been submitted that the brother of the petitioner had similarly been falsely attributed a role in the crime in question even though there was cogent evidence to corroborate that he was not present anywhere in the near vicinity of the occurrence. After the registration of the FIR, the investigating agency had found that the brother of the petitioner was in fact not involved and had exonerated him. Thus, it was evident that the complainant had tried to spread the net by involving as many persons as possible on account of his strained relations with the prime accused Gurnam Singh. Learned counsel has still further submitted that since investigation in the present case is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose moreso, since 24 witnesses have been cited by the prosecution and even charges have not yet been framed.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Kuldeep Singh, has not disputed that there was a delay of 09 days in the lodging of the FIR in question. However, it has been argued by the learned State counsel that the injured/complainant had been promptly shifted to the hospital where they were then medically treated. Learned State counsel on further instructions has, however, not been able to controvert that the ocular testimony with respect to the injury attributed to the petitioner on the rear left side of the head of injured/complainant Gurdit Singh, does not find corroboration with the medical evidence on record. Learned State counsel has, however, reiterated the allegations

levelled against the petitioner and contended that he was an active participant in the crime in question along with the co-accused.

4. On a pointed query, learned State counsel has submitted that the petitioner is not involved in any other criminal case much less a case of similar nature.

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

6. The petitioner has been in custody since 17.03.2024. Investigation is complete, however, charges have not yet been framed. As conceded by the learned State counsel, the injury inviting the mischief of Section 326 of the IPC has not been attributed to the petitioner but to the co-accused. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as the trial would take considerable time to conclude.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

12.07.2024 (MANJARI NEHRU KAUL)
Vinay JUDGE

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