

2024:PHHC:116255



221.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33367-2024

Date of decision: 05.09.2024

Sahil

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Raminder Singh Dhaliwal, Advocate, for the petitioner.

Ms. Avneet, AAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner, pending trial, in case FIR No.140, dated 13.08.2023, registered under Sections 323, 324, 458, 411, 34 of IPC, 1860 at Police Station Sadar Jalandhar, Jalandhar (Annexure P-1).

2. The aforesaid FIR has been registered on the statement of complainant Harpreet Singh alias Happy with the following allegations:-

“..... that on 7.8.2023 at about 10:30 p.m., he along with his family was present at home and at that time, petitioner armed with 'Khanda' accompanied by one co-accused and two unknown youths armed with 'datar' and 'kirch', forcibly entered their house with the intention to kill him, attacked him. As per the complainant, petitioner gave two blows of 'Khanda' to him, which hit his knees and gave another blow of 'khanda' on his head, the same hit his fingers of right hand, as he had

raised his right hand to rescue the 'khanda' blow. Then the co accused of the petitioner gave blow of 'datar' which hit right side of his head. Further, as per the complainant, when he raised hue and cry, Co-accused gave another blow of 'datar' which hit his left arm. It has been further alleged that the petitioner gave another blow of 'khanda' which hit his left eyebrow. At that time, one unknown youth gave a blow with a sharp-edged weapon on his back. Thereafter, all the assailants, after giving injuries to him, fled away towards the street. When he along with his wife went to lock the main gate, at that time, the petitioner gave a blow of 'khanda' on his wife, which hit right wrist of his wife. When they raised alarm, all the assailants fled away from the spot along with their respective weapons. On the basis of aforesaid statement, the present FIR was registered.”

2.1 The precise allegation against the petitioner is that he gave khanda blows to the complainant and his wife.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR. There is unexplained delay of six days in lodging the FIR in question, as the occurrence was of 07.08.2023 whereas the FIR was registered on 13.08.2023. The injuries attributed to the petitioners are not grievous in nature. Petitioner is in custody since 16.08.2023. Nothing is to be recovered from him. Conclusion of trial will take long time. No useful purpose would be served by further incarceration of the petitioner.

4. Pursuant to order dated 19.07.2024, learned State counsel has filed status report by way of affidavit dated 04.09.2024 of Sukhninder

Singh, PPS, Assistant Commissioner of Police (Cantt.), Police Commissionerate, Jalandhar, on behalf of respondent-State, as well as custody certificate of the petitioner as Annexure R-1/T, in Court today, which are taken on record. On the basis of said report, she submits that the petitioner and co-accused were arrested in this case on 13.08.2023 and on their disclosure statements, other co-accused Jugraj Singh, Manpreet Singh @ Mani and Kamal have also been arrested. The victim suffered total 10 injuries, however, none has been declared grievous in nature. Charges have been framed in this case on 06.11.2023 and out of 14 prosecution witnesses, 3 have been partially examined. As per the custody certificate, the petitioner has undergone actual sentence of 1 year and 18 days. He is also involved in one more case.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody for the last 1 year and 18 days; culpability of the petitioner would be determined during trial; completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number

registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

September 05, 2024
sanjeev

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