



CRM-M-37143-2024(O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.107+228

Case No. : CRM-M-37143-2024(O&M)

Date of Decision : August 20, 2024

Gurcharan Singh @ Pata

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ramnish Puri, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

* * *

GURBIR SINGH, J. :

1. CRM-32487-2024 : Prayer in the present application filed under Section 482 Cr.P.C. is for correction in the 'Memo of Parties' of the main petition, by mentioning name of petitioner's father as Nirmal Singh instead of Niram Singh and also to place on record 'Amended Memo of Parties'.

2. For the reasons mentioned in the application, the same is allowed and name of father of the petitioner be read as Nirmal Singh and not Niram Singh, as mentioned before. "Amended Memo of Parties" annexed with the present application is ordered to be taken on record. Registry to tag the same at appropriate place in the file.

3. Main Case : Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.98 dated

**CRM-M-37143-2024(O&M)****-2-**

18.05.2024, under Sections 326, 324, 323, 341, 148, 149 IPC, 1860, registered at Police Station Islamabad, District Amritsar.

4. Briefly, the FIR in question was registered on the basis of statement of one Vir Singh, submitting therein that on 10.05.2024, at about 10:00 PM, when he was returning to his home after finishing his work, on the way, Tarsem Singh @ Bau Chatra stopped his way under inebriated condition and started arguing with the complainant that he was calling him and others “drug-dealer” but he replied that it was not a lie. Tarsem Singh @ Bau Chatra, along with some other persons, including the present petitioner, caused injuries on his head, forehead and waist with datar, kirch and bricks. The complainant started bleeding profusely due to injuries and was hospitalized with the help of his relatives. First he was got admitted in Civil Hospital, Amritsar, from where he was referred to Guru Nanak Dev Hospital, Amritsar. His condition was critical, his statement could not be recorded immediately after the occurrence.

5. Learned counsel for the petitioner has submitted that first of all, there is delay of more than eight days in lodging the FIR in question, which clearly reflects that the petitioner has been falsely implicated in the present case and there is no direct or indirect evidence against him showing his involvement in the present occurrence. Moreover, it is a case of version and cross-version. In fact, the complainant party was the aggressor and had caused injuries to the petitioner and one Vishal. In this regard, DDR No.24 dated 07.06.2024, under Sections 323, 325, 452, 148, 149 IPC was also registered against the complainant party. There is no record to connect the

**CRM-M-37143-2024(O&M)****-3-**

petitioner with the alleged incident. The petitioner is in custody since 19.05.2024. The Investigation of the case is complete. Completion of trial will take a long time. So, the petitioner be released on bail.

6. Status Report, by way of affidavit of Khushbir Kaur, PPS, Assistant Commissioner of Police (Central), Amritsar on behalf of respondent - State has been placed on record. Learned State counsel and learned counsel for the complainant have opposed the bail petition while submitting that the petitioner, along with others, is involved in repeated crimes including drug-peddling and if released on bail, he may hamper the investigation. So, the petitioner does not deserve concession of bail.

7. Heard.

8. The allegations against the petitioner are that he was one of the persons, who caused injuries to the complainant. The role attributed to the petitioner is that he gave straight blow of *kirch* on the right side of complainant's forehead. On pointed query, learned State counsel has submitted that the co-accused Tarsem Singh @ Bau Chatra had caused grievous injuries to the complainant. The petitioner is young person of about 26 years of age. No useful purpose would be served by long incarceration of the petitioner. Culpability of the petitioner shall be decided during trial of the case.

9. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, 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.

10. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

11. Pending applications, if any, shall stand disposed of along with the present petition.

August 20, 2024

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(GURBIR SINGH)
JUDGE

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