

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM M-37724 of 2024

Date of Decision: 09.08.2024

DALVIR SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rahul Dev Singh, Advocate with
Ms. Sheenam Banchta, Advocate, for the petitioner.

Mr. Deepinder Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.4 dated 05.01.2024 registered under Sections 307, 324, 148 and 149 IPC at Police Station Division No.2, District Pathankot.

2. The FIR in the present case was registered on the basis of the statement made by Ms. Shama wife of Yashpal and the same has been reproduced below:-

“Stated that Smt. Shama aged about 46 years, wife of Sh. Yashpal, resident of Nathunagar, Dangu Road, near Uchi Pull, Pathankot, M No.7719515393. Stated that I am a resident of the abovesaid address and do household/domestic work. My husband Yashpal son of Sh. Maluka Ram, Dangu Road Pathankot runs a fruit shop at Pathankot. My husband, as every day, went from home to his shop at 8AM on 03.01.2024. That he did not return home till around 8:20 PM. Then I reached from home to the main road, Dhangu Road at the T-point to

see him. Then at the round about Dalvir Singh son of Surinder Singh who was armed with axe (kulharri), Raghvir Singh son of Surinder Singh, who was armed with sickle (Datar) and Jatin son of Balwinder Singh who was also armed with sickle (Datar) residents of Nathu Nagar, were standing at the roundabout and near them, 2- 3 other boys were also standing, whose names I don't know but I can identify them, if they are brought before me. It was around 8:35 PM, my husband started to return on his scooter from his shop, but when he tried to turn his scooty towards his house, then the said Dalvir Singh with the intention of killing, gave two blows with axe on my husband's head, which hit him on the right and left side. Then said Raghvir Singh attached with sickle, with the intention of killing my husband, which him on right side of his head and Jatin also hit my husband with the blunt/reverse side of sickle (datar). On this, my husband fell down from his scooty. When he fell down, then 2-3 boys inflicted kicks upon him and they started saying loudly that Yashpal had been killed, do what you have to do, and when I shouted "Bachao-Bachao", all of them ran away from the spot with their arms, which threatening to kill me. Many people gathered after hearing my noise, then my husband's friend Shri Nipun Mahajan, r/o Bharat Nagar Pathankot arranged the vehicle and took my husband to Civil Hospital Pathankot, where Dr. Sahib provided first aid to my husband and then gave him the opinion and referred my husband to Guru Nanak Dev Hospital Amritsar for further treatment due to serious head injury. But we admitted him to DMC Hospital Ludhiana, where he has undergone head surgery and is undergoing treatment.

The grudge is that about 1-1/2 years ago Dalvir Singh Party had a quarrel with Shivam Singh Party in our street, which my husband got settled, Due to the same grudge between Dalvir Singh, Raghvir Singh son of Surinder Singh, Jatin son of Balwinder Singh, resident of Nathu Nagar, Dangu Road, Pathankot hatched a conspiracy to cause injury with an intention to kill with armed weapons and attacked my husband and caused injuries. Today, I alongwith my neighbour Sh. Anil Sharma son of Sh. Sham Lal Sharma, resident of Shiv Sunder Nagar Pathankot were going to inform you, and you have met and medical documents were presented to you. Legal action must be taken. d/- Shama (signatures in English) 5.01.2024”.

3. Learned counsel for the petitioner contends that the occurrence in the present case had taken place at the spur of the moment and the injuries were allegedly caused to the complainant in the scuffle. He further contends that after completion of investigation, the final report under Section 173 Cr.P.C. has already been presented before the Competent Court. He further contends that the injured in the present case has already been discharged from the hospital and he is hale and hearty. As per him, the petitioner was arrested in the present case on 05.01.2024 and is in custody for the last about 07 months. He further contends that the co-accused Jatin has already been granted the concession of anticipatory bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

6. In the present case, the charge against the present petitioner has already been presented before the trial Court and no witness has been examined so far. Thus, the trial is not likely to conclude in the near future. Apart from that, the petitioner is in custody for the last about 07 months. No useful purpose will be served to keep the petitioner behind the bars. Moreover, the petitioner in the present case is a first time offender and was never involved in any other criminal activity.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

09.08.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No