



CRM-M-41546-2024

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

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CRM-M-41546-2024

Date of decision: 1st October, 2024

Ajit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lakshay Bector, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 215 dated 17.05.2023 registered under Sections 307, 323, 324, 354, 34, 506, 341 of IPC, 1860 at Police Station City Division No.7, District Ludhiana.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Lovepreet Singh @ Laddi on 17.05.2023 alleging therein that on 15.05.2023, he alongwith his friends Harwinder Singh @ Harry, Yogesh Kumar and Aman Nagpal had gone to attend birthday celebration of some friend and at about 8:30 PM, they were standing outside the house of



Harwinder Singh @ Harry, when the sister of Harwinder Singh reached there and told them that the petitioner had stopped her on the way and had done wrong and indecent acts with her. She also disclosed that he had been following her from the last fortnight. On hearing so, Harwinder Singh went to the house of petitioner and made a complaint to his mother Gurmeet Kaur about the petitioner and also told her to prevail good sense upon him. Thereafter, when Harwinder Singh along with the complainant was going towards his house, suddenly the petitioner along with his mother Gurmeet Kaur, brother and sister reached there. All of them were armed with weapons and brickbats and they opened an attack upon the complainant and his companions and caused injuries to them. The complainant sustained injuries at the hands of the petitioner. All of them were rushed to the hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 23.02.2024. He moved an application for grant of bail which had been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 14.05.2024.

3. It is argued by learned counsel for the petitioner he has been falsely implicated in this case. Infact, it was the complainant and his other companions who were the aggressor party and had given serious injuries to the petitioner and his family members. The right wrist of the petitioner had been completely chopped off and he also sustained injuries on his head. The allegations that he had given a *khanda* blow on the head of the complainant were not believable as the petitioner himself had sustained a very grievous



injury due to amputation of his right wrist. There is delay of two days in reporting the matter to the police. Custodial interrogation of the petitioner is no more required. Challan has been filed against him. Trial is likely to take time. The injuries sustained by the complainant had not been declared to be dangerous to life. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned State counsel that the petitioner had struck a blow with *khanda* (irod rod) on the head of the complainant with an intention to kill him. The allegations against him are serious in nature. Hence, it is urged that keeping in view the gravity thereof, petitioner does not deserve to be extended benefit of allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner in furtherance of his common intention with the co-accused is alleged to have caused injuries on the head of the complainant by striking a *khanda* blow, whereas the co-accused are also alleged to have caused injuries to the complainant and other members of his party. In the same incident, the right wrist of the petitioner had also been amputated and this fact has not been disputed. Investigation has since been completed. Trial is likely to take time. No useful purpose would be served by detaining the petitioner in custody anymore. Keeping in view the period of his

incarceration and as per the discussion made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

1st October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |