



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

301

**CRM-M No.41639 of 2024
Date of decision: 16.12.2024**

GURPREET SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Mandeep S. Sachdev, Advocate for the petitioner.
Mr. Satjot Singh, A.A.G, Punjab.

Mr. Nikhil Chopra and Mr. Shubham, Advocates
for the complainant

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioners for grant of regular bail in case arising out of FIR No.90 dated 13.07.2024 registered under Sections 333, 118(1), 115(2), 190, 191(3) of Bhartiya Nayaya Sanhita (for short-the BNS) (Sections 118(2), 331(8), 324 and 189(6) of BNS added later on) at Police Station Goraya, District Jalandhar.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant-Harjit Kumar @ Jita alleging therein that he used to take care of agricultural work of Atinder Pal Singh and was living in the house of the former. On 12.07.2024, he along with Davinder Singh and Harnam Singh who are friends of Atinder Pal Singh, was present in the abovesaid house when someone knocked at the door. He found that 10-15 persons armed with kirpans (swords) were present outside. They broke open the gate of the house and entered therein. On seeking them, Davinder Singh and Harnam Singh fled



away. The present petitioner was holding an iron rod and co-accused Malkit Singh opened an attack upon him by striking blows with their respective weapons. He raised alarm, on hearing which the neighbours reached there and in the meanwhile, Atinder Pal Singh also reached at the spot. On seeking them, the assailants fled away. The motive as attributed by him to the petitioner was that a dispute was going on between the petitioner and Atinder Pal Singh with regard to the abovementioned house. Investigation proceedings were initiated. The petitioner was arrested on 13.07.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that in fact, Atinder Pal Singh is fiancé of daughter of one Shamsher Singh who owned the abovementioned house and who had executed a transfer deed in respect of this property in favour of his son. His son had executed a General Power of Attorney in favour of one Desraj who sold the above mentioned house in favour of the petitioner by executing a registered sale deed and the petitioner became owner in possession of the abovesaid house. Atinder Pal Singh is fiancé of daughter of Shamsher Singh who in connivance with Smt. Balvir Kaur, wife of Shamsher Singh, has falsely implicated him in this case. A civil litigation is pending qua this house. The FIR has been registered to usurp the property purchased by the petitioner by making payment of due sale consideration. He is in custody since long. Investigation stands concluded. No useful purpose would be served by detaining him in custody any more. The trial is likely to take time. With these broad submissions, it is urged that the petition deserves to be allowed.



4. Status report by respondent-State and reply by the complainant has already been filed.

5. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are serious allegations against the petitioner who in connivance with the co-accused had opened a brutal attack upon the complainant thereby, causing him simple as well as grievous injuries. There are chances of his intimidating the witness or absconding if extended benefit of bail, therefore, it is urged that the petition does not deserve to be allowed.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have criminally trespassed into the property occupied by the complainant and assaulted him. The complainant had sustained simple as well as grievous injuries. The subject offences are triable by learned Magistrate. Investigation stands completed. It is a debatable issue as to whether the ingredients for commission of offence under Section 333 of BNS are attracted or not ? Learned trial Court will take time to conclude. As such, no useful purpose would be served by detaining the petitioner in custody. There is no basis for the contention that the petitioner may abscond or intimidate with the witnesses. It is well settled position of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the fact that the trial is likely to take time and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of thereof, I am of the considered opinion that the petitioner deserve to be extended benefit of bail. Hence, the petition is allowed and petitioner is



ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the concerned CJM/ trial Court/Duty Magistrate.

16.12.2024.

Jyoti-IV

(MANISHA BATRA)
JUDGE

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