



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

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CRM-M-45400-2024

Date of decision: 23.10.2024

Navinder Singh @ Navi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Armaan Gagneja, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Robindeep Singh Bhullar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.20 dated 03.05.2024 under Sections 326/324/323/341/148/149 of the IPC, 1860 (Section 427 of the IPC added lateron) registered at Police Station Lakhewali, District Sri Muktsar Sahib and DDR No.012 dated 05.05.2024.

2. Learned counsel for the petitioner submits that it is a case of version and cross version wherein both the sides received injuries at the hands of each other; the occurrence in question took place in an open street adjoining the houses of both the parties. It has still further been submitted that even as per the FIR, the petitioner was neither named therein nor any role attributed to him in the occurrence in

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question, however, the petitioner came to be nominated as an accused on the basis of disclosure statements allegedly suffered by co-accused Atinderpal Singh and Sukhjinder Singh, who merely stated that the petitioner was armed with a stick and present with them at the time of the alleged occurrence. It has been asserted by learned counsel that in the circumstances, it was evidently a case of false implication moreso when the evidentiary value of such disclosure statement is of a weak nature. It has further been submitted that since investigation in the present case is complete as challan stands presented coupled with the fact that the petitioner has no previous criminal antecedents, his further incarceration would serve no useful purpose as the possibility of the trial concluding in the near future seems bleak.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, have vehemently opposed the prayer and submissions made by learned counsel for the petitioner and asserted that no doubt injuries were received by both the parties in the occurrence in question which took place in an open street, however, it was the accused party, which attacked the complainant party at the first instance. Learned State counsel on instructions has also not been able to dispute that no specific role or injury has been attributed to the petitioner in the crime in question and the petitioner came to be nominated only in the disclosure statements suffered by co-accused Atinderpal Singh and Sukhjinder Singh. However, it has been argued by learned State counsel that all the accused including the petitioner, who was armed with a stick, collectively assaulted the complainant



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injuring him as a result of which he received a number of injuries, including injury inviting the mischief of Section 326 of the IPC.

4. On a pointed query, learned State counsel on instructions has not disputed that the petitioner has no previous criminal antecedents.

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

6. The petitioner has been in custody since 04.05.2024. Challan stands presented, however, charges are likely to be framed on the next date of hearing. The petitioner has not been attributed any specific role or injury in the crime in question. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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