



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215)

CRM-M-48096-2023 (O & M)
Date of decision: 27.05.2024

Sukhwinder Singh Petitioner
V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Deepak Arora, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.64 dated 01.05.2023 under Sections 307/452/364/506/148 and 149 IPC registered at Police Station Chattiwind, District Amritsar Rural.

2. The present FIR came to be registered at the instance of Sukhwinder Singh son of late Savinder Singh and reads as under:-

“Statement of Sukhwinder Singh, son of late Savinder Singh, Caste Mehra Sikh resident of Jhite Kalan, age about 28 years, Mobile No. 7888364441, stated that I am a resident of the abovesaid address and working as a labourer and we are four brothers and sisters, I am the eldest and younger one is my brother Manpreet Singh. On 30.04 2023, around 09:00 o'clock in the night that we all the family had dinner and were sitting that Shamsher Singh alias S/o Late Dalbir Singh Caste Majbi Sikh, resident of Patti, Ward No.6, Pandora village Sultanwind empty handed, Mangal Singh son of Bela armed with Datar, Kabal Singh son of Mangal Singh armed with Gandasi,



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Jobanjit Singh son of Kabal Singh armed with Dang, Sukhwinder Singh son of Mangal Singh armed with Gandasi residents of Jhite Kalan and entered our house then Shamsher Singh alias Shera while entering house raised talkara to catch Manpreet Singh and tell him the consequences of teasing Sukhwinder Singh's wife, Mangal Singh, as soon as he came, he attacked with his Dattar on my brother Manpreet Singh, which hit him on the right side of his head. The second attack was done by Kabal Singh with his Gandasi which hit on my brother on the left side of the head and then I came in front to save my brother and Jobanjit Singh gave a blow with his Dang on me which hits me on the left side of the ribs and my brother fell down on the ground due to the head injury, then Sukhwinder Singh attacked with his Gandasi on my brother Manpreet Singh who was lying on the ground, which hit his left leg and my brother fell down and they have given beatings while my brother lying on the ground. When I and my mother saw this incident, we raised rolla loudly, and persons started gathering at our house and the above accused alongwith their weapons with the intention to abduct my brother Manpreet Singh and kill him give threats that today we will eliminate him and take him to their house. I and my mother Narender Kaur and our neighbour Joginder Singh son of Gyan Singh went to the house of the said persons and take back my brother from them and after arranging vehicle got admitted him in Civil Hospital, Manawala, due to the grievous injuries, my brother was referred to Sri Guru Nanak Dev Hospital, Amritsar, where he is under treatment. The reason is that Sukhwinder Singh used to say that he had molested our wife. I left my mother Narinder Kaur with my brother and I was coming to write a statement on your side and you met here, I have recorded my statement. Heard and correct. Sd/- Sukhwinder Singh”.



3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was delay of one day in the registration of the FIR which was fatal to the prosecution case. The injury attributed to the petitioner was on a non-vital part of the body. Two co-accused of the petitioner, namely, Mangal Singh and Kabal Singh had been granted the concession of anticipatory bail. As the petitioner was a first-time offender, in custody since 01.05.2023 but none of the 17 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, has filed a reply dated 27.05.2024 which is taken on record. While referring to the said reply, he contends that the petitioner was the main accused having inflicted grievous injuries on the person of the complainant. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 01.05.2023 and that none of the 17 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. He is stated to be in custody since 01.05.2023 but none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when he is a first-time offender.



7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sukhwinder Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the present one.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
10. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 27, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No