



CRM-M-47762-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-47762-2024

Date of decision: 27th September, 2024

Pargat Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

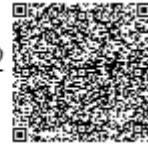
Present: Mr. L.M. Gulati, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

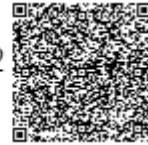
The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 34 dated 23.02.2024 registered under Sections 323, 324, 341, 506, 148 and 149 of IPC with offences under Sections 325 and 326 of IPC having been added subsequently at Police Station Gate Hakima, District Amritsar.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by complainant Partap Singh alleging therein that on the night of 16.02.2024, he along with his wife Davinder Kaur was returning home and found the petitioner and co-accused while standing in street. They were under the influence of liquor and on seeing the complainant and his wife, they started



hurling abuses to them. The complainant quietly entered inside his house. In the meantime, Alambir Singh son of the complainant was also returning home and while he reached in the street, the petitioner and co-accused started abusing him also. They waylaid him by encircling him and opened an assault upon him. The accused Jaspal Singh @ Pari hit the head of his son with a baseball bat. Accused Gurlal Singh struck a blow with *datar* due to which his son fell down and accused Jaspal Singh again struck a blow on the head of his son. The complainant rushed for the rescue of his son but the accused Gurbir Singh struck blows with sword carried by him. Then accused Gurlal also caused injuries to him. The assailants gave fist blows to the complainant and his son. On rescue alarm being raised by him, public persons reached there and then the assailants fled away. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 14.03.2024. The co-accused were also arrested. Investigation qua the petitioner has since been completed.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by learned counsel for the petitioner that he has been falsely implicated in this case. His custodial interrogation is no more required. A compromise has been arrived at between the parties and the complainant party has executed a written agreement Annexure P-2 in favour of the petitioner. Trial is likely to take time. No specific overt act has been attributed to him. Therefore, it is argued that he deserves to be extended benefit of bail.



4. Learned State counsel who has advance notice of the petition and is ready to argue the matter, has submitted that keeping in view the severity of the allegations, the petitioner does not deserve to be released on bail.

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 is in custody since 14.03.2024. He is alleged to be present along with the co-accused when they had extended injuries to the complainant and his son. No specific injury has, however, been attributed to him. Though no consideration can be given to Annexure P-2, which is copy of a compromise stated to have been executed by the victims in favour of the petitioner and co-accused, however, keeping in view the nature of the subject offences, the part attributed to the petitioner, the period of his incarceration, coupled with the fact that trial is likely to take time, in my considered opinion, no useful purpose would be served by detaining the petitioner in custody anymore. Even otherwise, it is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts and circumstances of the case but without meaning to make any comment on the merits thereof, 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.



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

[MANISHA BATRA]
JUDGE

27th September, 2024
Parveen Sharma

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