



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-48031-2024 (O&M)
Date of Decision:-30.9.2024

Harpal Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate for the petitioner.
Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR No.	Dated	Police Station	Section/s
126	18.8.2022	Sadar Faridkot, District Faridkot	302, 308, 323, 34 of Indian Penal Code (charges framed under Sections 302, 307, 323, 34 of IPC)

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner – Harpal Singh aged about 69 years seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Gogi Singh alias Ghuggi alias Gora, wherein it alleged that on the day occurrence he went to Kala Sharma’s shop to buy milk and when he was on his way back his brother Sohan Singh also joined him. It is alleged that Harpal Singh along with his son Beant Singh, Satpal Singh and Amarjit Kaur were also coming on their ‘rehri’ (cart). Harpal Singh was pedaling the ‘rehri’. A tyre of ‘rehri’ ran over complainant’s foot and on account of which he lodged his protest. However,



Harpal Singh and other members of his family got furious and inflicted injuries to the complainant as well as to Sohan Singh. The injuries as attributed to the accused are described in the following manner in the FIR:-

“Then, Harpal Singh picked up Toki from the rehri, Beant Singh picked up bed arm from the rehri and Satpal Singh above stated picked up daang from the rehri and Amrit Kaur picked up stick from the rehri. Harpal Singh raised lalkara and said that do not spare them alive and Harpal Singh gave his armed blow of toki from its reverse side upon my left arm which hit on my left arm below the elbow. Meanwhile, my brother Sohan Singh came close to me to save me and suddenly Harpal Singh immediately gave a blow of armed toki upon my brother Sohan Singh on his head due to which he fell down and his head started bleeding. Then Beant Singh armed with bed rest gave a blow with full force and with an intention to kill me on my head which hit on the middle of my head. Then Satpal Singh above stated armed with dang gave a blown upon my head due to which I fell down. While I was lying down Amarjit Kaur gave stick blow a blown upon my face, which hit on my left cheek. Then Harpal Singh gave toki blow on my right hand whit hit on my finger of right hand. Then Beant Singh armed with bed arm gave a blow upon me which hit on my left side of stomach.”

3. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. It has been submitted that, in any case, even if all the allegations as levelled in the FIR are taken to be correct, admittedly it is a case where the occurrence took place all of a sudden without there being any premeditation and, under these circumstances, at best the case would attract an offence under Section 304 Part I IPC.
4. Learned counsel for the petitioner submitted that since that the petitioner has been behind bars for a substantial period of about 2 years & 1 month and has



a clean record and all other co-accused have already been ordered to be released on bail vide order dated 02.04.2024 passed in CRM-M-7821-2024 (Annexure P-2); order dated 18.7.2024 passed in CRM-M-20662-2024 (Annexure P-3) & order dated 6.8.2024 passed in CRM-M-36758-2024 (Annexure P-4), the petitioner also deserves the concession of bail.

5. Opposing the petition, learned State counsel submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has, however, been informed that the petitioner as on date has been behind bars since the last about 2 years and 1 month and has a clean record. Learned State counsel informed that as on date 7 PWs out of the cited 25 PWs have been examined and 3 PWs have been given up.
6. This Court has considered rival submissions addressed before this Court.
7. Without commenting anything as regards merits of the case, but having regard to the custody of the petitioner i.e. about 2 years & 1 month and also the fact that conclusion of trial is likely to take some time as only 7 PWs out of the cited 25 PWs have been examined so far and 3 PWs have been given up and that all other co-accused have already been ordered to be released on bail vide order dated 02.04.2024 passed in CRM-M-7821-2024 (Annexure P-2); order dated 18.7.2024 passed in CRM-M-20662-2024 (Annexure P-3) and order dated 6.8.2024 passed in CRM-M-36758-2024 (Annexure P-4), further detention of the petitioner, who otherwise enjoys a clean record, will not serve any useful purpose.
8. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the



CRM-M-48031-2024 (O&M) (4)

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.9.2024
Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No