



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

238

**CRM-M-49974-2024
Decided on :16.10.2024**

MAKHAN SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Lakhwinder Singh, Advocate
for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition has been filed for grant of regular bail to the petitioner in FIR No.164 dated 11.09.2019 under Sections 120-B, 307, 323, 325, 326 and 506 of IPC read with Section 34 IPC, registered at Police Station Dhanaula, District Barnala.

2. The facts in brief are that on 11.09.2019 at about 10:00 A.M., complainant-Nirmal Singh while riding his motorcycle, was attacked by four individuals. They were armed with 'gandasas' and axes. Makhan Singh(petitioner) struck him on the head with a gandasa, causing him to fall. The others inflicted injuries causing fracture in both his arms and his left leg. When bystanders gathered, the assailants fled, stating they were sent by Kuldeep Singh and Bikkar Singh to kill him. Thereafter bystanders took Nirmal Singh to Civil Hospital, Dhanaula. The motive for the attack was previous assaults by Kuldeep Singh and Bikkar Singh, for which Nirmal Singh had filed an FIR.

3. Learned counsel for the petitioner submits that allegedly the petitioner inflicted gandansi blow on the head of the victim. The petitioner has been falsely implicated in this case. The petitioner has undergone an

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actual custody of 01 year, 05 months and 15 days and he has clean antecedents.

4. Learned State counsel has also placed on record custody certificate in Court today. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 05 months and 15 days and there is no other criminal case registered against him. Moreover, on instructions, he submits that the charges were framed on 02.09.2023 and out of total 12 prosecution witnesses, only one has been examined till date. However, in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by counsel for the parties.

6. Admittedly, the petitioner has undergone an actual custody of 01 year, 05 months and 15 days and there is no other criminal case registered against him and charges were framed on 02.09.2023 and out of total 12 prosecution witnesses, only one has been examined till date. Considering the fact that the trial of the case will take a considerable amount of time, no useful purpose will be served by detaining the accused in custody.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of

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which he is accused of, or for commission of which he is suspected.

- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

16.10.2024

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*