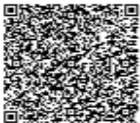


2024:PHHC:141800



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-51147 of 2024
Date of Decision: 23.10.2024

Balwinder Singh @ Gora		...Petitioner
	Versus	
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Kanwaljeet Singh, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of BNSS with a prayer to grant a regular bail in case FIR No.69 dated 14.03.2010 registered under Sections 326, 341, 323, 148 and 149 of IPC 1860 (Section 307 of IPC 1860 added later on) at Police Station Sadar Ludhiana, District Ludhiana City.
2. The FIR in the present case was registered on the basis of the statement made by Simranjit Singh and the same has been reproduced below:-

“Stated that I am living with the family at said place. We have a tire puncture shop at Transport Nagar. On 13-03-2010, time was about 8-30 PM. I after closing my shop and was going home on foot when I reached Rode Phatak Baba Deep Singh Nagar, there was a market, where vegetable stalls and other stalls were also set up. Then suddenly from the front I saw Sai Dass S/O Gurmel Singh resident of Street No. 13 Mohalla Baba Deep Singh Nagar Ludhiana who is our neighbor along with his boys Gopi, Deepu and Pal, Davinder Singh Happy, Gora who are his friends have surrounded me, one of boys, Gopi, who had a silencer, hit on my neck with which I fell down, then they all kicked me and beat me up. I got up and started running. Sabu and Gora poured acid on me which was in a plastic can and there was a jalebia stall standing there from which the boy Pal, Davinder Singh Happy etc. came and grabbed me by the arms and Gora took the pan from the jalebia stall and poured the heated oil on me and due to which my neck, body, arms and mouth were injured and Sai Dass was abusing loudly and saying that today let him teach the lesson for giving testimony. On seeing the gathering of people there, all of them fled away from the spot with their weapons. The reason of grudge is that Two years ago, there was a fight occurred between Lal Chand Sarpanch and Sai Das and others where I deposed against Sai Dass. Since that day they keep grudge against me. I reported this incident at home and my brother Yadwinder Singh alias Sonu brought me and admitted me to the civil hospital where I am undergoing

treatment. Statement has been recorded to you, heard and it is correct. Action be taken. SD/ Simranjit Singh, Attested SD/- Sukhwinder Kaur, Verification Daljit Singh HC 974 PP Marado PS Sadar Dated 14-03-2010”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and was ordered to be arrested. Later on, he applied for bail during trial and was granted the concession of regular bail. Thereafter, the petitioner was absent during trial and was declared as proclaimed offender on 07.11.2019. Learned counsel for the petitioner further contends that the other co-accused of the petitioner were tried by the Court of Additional Sessions Judge, Ludhiana and were held guilty for an offence punishable under Section 324/34 IPC. Thus, the offence under Section 307 IPC has been wrongly added in the present case.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

6. In the present case, the petitioner was earlier arrested in the year 2010 and remained in custody for almost 03 months. Now, again the petitioner is in custody since 20th January 2024. Thus, the petitioner has suffered the custody of almost one year. Moreover,

co-accused of the petitioner were tried in the present case and were convicted only under Sections 324/34 IPC.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

23.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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