



CRM-M-54011-2024

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**240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-54011-2024
Decided on : 06.11.2024

Rajvir Singh @ Harsh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Ashish Nagar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.76 dated 12.06.2023 under Sections 307, 323, 506 148 and 149 IPC registered at Police Station Phase 8, SAS Nagar District SAS Nagar (Mohali).

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that neither was he named in the FIR in question nor any role much less any specific injury was attributed to him in the occurrence in question. It has been submitted that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Gaurav @ Guri, who merely stated that the petitioner was present along with them when he as well as



co-accused Rahul Modgil inflicted injuries with *kirpan* and *gandasi* on the person of all the three injured persons. Learned counsel has asserted that the disclosure statement on the basis of which, the petitioner has been nominated as an accused does not hold much evidentiary value. Since other than the disclosure statement, there is no material on record to connect the petitioner with the crime in question, hence, he deserves the concession of bail, more so, when he has now been in custody since 11.07.2023 and till date, even charges have not been framed.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Suriender Singh, has not disputed that the petitioner was not named in the FIR in question nor was any suspicion raised qua his involvement in the alleged crime. However, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:

“Statement of Harsh, son of Kulwinder Singh, resident of village Kumbra, SAS Nagar district, aged about 20 years, mobile number: 7719482171. He stated that he is a resident of the mentioned address and is a student of 11th grade, Yesterday, on 11-06-2023 at around 8 PM, in the park opposite Lawrence School in village Kumbra, there was a dispute between Gaurav Kumar alias Guri, son of Phool Kumar, resident of village Kumbra, and Rahul Modgil, son of Ravin Modgil, resident of village Basi



Pathana, Fatehgarh Sahib district, currently residing in Sohana, regarding some matter. They also slapped each other. Some individuals from the village intervened and resolved the matter. Prince was also standing nearby. After some time, I, Rahul Modgil, and Prince went near the Morni well in village Kumbra. We were standing opposite Babbi Doctor's shop when suddenly, around 10-11 boys on three motorcycles and one Activa came from the Tobha side. They were carrying axes and swords, and they attacked me, Rahul, and Prince with the intention to kill. They were shouting that they would kill us today. One boy with a turban struck my head with an axe, which injured me. He attacked my head again, but I raised my right arm to protect myself, and the blow hit my hand, injuring my palm. They then started attacking Prince. He was struck on the back of his head near the neck, causing a deep injury. Both Prince and I began bleeding profusely, and we ran away to save our lives. We entered a nearby PG (Paying Guest) house, where Prince collapsed on the floor due to heavy bleeding. The attackers, armed with weapons, fled on their motorcycles and threatened us by saying, 'You escaped today, but next time we will kill you.' Had I not raised my hand, the axe blow could have been fatal. Later, Rahul's brother-in-law arranged a vehicle, and the three of us (me, Rahul Modgil, and Prince) were taken to Civil Hospital, Phase 6, Mohall. Due to the severity of Prince's injuries and heavy bleeding, he was immediately referred to PGI Chandigarh. I was admitted to the hospital, while Rahul was discharged. The reason for the fight was that Gaurav alias Guri



and Rahul Modgil had an argument over a girl, The attackers were: Gaurav alias Guri, son of Phool Kumar, resident of village Kumbra. SAS Nagar district 1. Harpal Singh alias Babbu, resident of Sohana, 2. Karanveer Singh, son of Randhir Singh, resident of Sohana, SAS Nagar district, 3. Arjun, son of Kanwarpal Singh, resident of village Kumbra, 4. Hardeep Singh, son of Netar Singh, resident of village Kumbra. I can identify the remaining 5-6 individuals if brought before me. Legal action should be taken against the mentioned individuals. sd/-”

It has also been argued by the learned State counsel that the petitioner was part of unlawful assembly and was accompanying the co-accused, who then inflicted injuries on all the three injured persons with lethal weapons. Learned State counsel, on further instructions, has however, not disputed the custody period of the petitioner and also the factum of the charges having not been framed even though the challan was presented way back on 10.09.2023.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. As not disputed, the only role attributed to the petitioner in the crime question is of having accompanied the co-accused to the place of occurrence; no role other much less any injury has been attributed to the petitioner. The investigation in the case in hand is complete as challan stands presented. The trial has not progressed as charges are yet to be framed.



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6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.11.2024
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(MANJARI NEHRU KAUL)
JUDGE

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