



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-57386-2023

Date of decision: 31.07.2024

Gurlal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.51 dated 16.04.2023 under Sections 379-B, 323, 325, 341, 506, 201, 34 of the IPC (Section 307 of the IPC added lateron) registered at Police Station Moonak, District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody for more than a year having been arrested on 03.06.2023. A perusal of the FIR reveals that the petitioner has only been attributed a simple injury on the right arm of the injured with an iron rod. It has been further submitted that since the most material witness in the present case i.e. the injured/complainant stands examined, further incarceration of the petitioner would serve no useful purpose as there could be no possibility of the petitioner tampering with evidence or trying to intimidating the witnesses.



3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the role attributed to the petitioner in the crime in question; it has also not been disputed that the sole material witness in the present case i.e. the injured/complainant has already been examined. However, it has been submitted by learned State counsel that the attack upon the complainant was a premediated one wherein he was inflicted injuries by the accused party; the petitioner while sitting in the car had videographed the entire assault which was committed upon the complainant. It has also been submitted that the petitioner is involved in 03 other cases though they are under the Excise Act, IPC and Arms Act.

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

5. Before proceeding further, it would be relevant to reproduce the contents of the FIR, which are as under:-

“Chamkaur Singh son of Harnek Singh, resident of Bairan, aged about 40 years, M No 80544-55990, stated that I am a resident of the said address and am engaged in agricultural work. On 15.04.2023 at about 6:20 P.M., I along with my wife Paramjit Kaur on my motorcycle number PB-08-DD-7241 brand Hero silver color were going to Jakhal Mandi to buy household goods. When we went about half a kilometer from village Balran to Jakhal side, from behind us, a car Alto color black got in front of my motorcycle and got out of the car of our own village Balran, Gudda Singh son of Jasvir Singh, Kala Singh Malkit son of Bhola Singh, Jasvir Singh son of Gora Singh residents of Balran and Gurlal Singh of Jawahar Wala who is the grandson our village. Abovesaid persons got out of the car and surrounded us, who were holding iron chopper (gandasi) and iron rods in their hands. Gudda abused me and said that today we will teach you a lesson for being a informer. And in no time, Gudda gave blow of iron gandasi held by him in his hand on my left arm. Next blow was given by Gurlal Singh who was standing next to



him holding the iron rod in his hand who hit it on my right arm. Then Gudda again hit the iron Gandasi held by him on my right leg. I fell down on ground. While I was lying on ground, Jasvir Singh son of Gora Singh hit my left leg with the iron rod held by him in his hand. Second blow was given by Jasvir Singh with the iron rod held by him in his hand on my left foot. Then Gudda took my mobile phone along with the sim from the pocket of my kurta with a force. Then Kala Singh son of Bhola Singh with the iron rod held in his hand hit me on the forehead. At that time, my wife abovesaid Paramjit Kaur raised the alarm by screaming loudly "marta- marta". Due to her screams, the said accused while threatening to kill us ran from the spot in their car along with their weapons. Then my elder brother Sukhvire Singh son of Harnek Singh and my nephew Baljinder Singh son of Jasvir Singh reached at the spot and called the government ambulance at the spot by calling number 108. Abosaid two persons and my wife Paramjit Kaur admitted me to the hospital at SDH Moonak, where Dr. Sahib referred me to CH Sangrur after giving me first aid, where my treatment is going on. Legal action should be taken against the said persons. The reason of enmity is that I often come to the police station as a respected person. These abovesaid persons are addicted to consuming and selling drugs and these persons had suspicion that they may be reported in the police station. The above statement has been given, heard and is correct. LTI/ Chamkaur Singh abovesaid, verified by SD/- Sukhveer Singh son of Harnek Singh resident of Balran"

6. The petitioner has been in custody for more than a year, however, only 01 prosecution witness out of the 25 cited, has been examined, hence, the trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, especially the role and injury attributed to the petitioner, this Court deems it fit to extend the concession of bail to him.

7. 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. However, it

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

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

31.07.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No