

**CRM-M-56408-2024****221****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-56408-2024****Date of Decision: 19.11.2024**

Gurlal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent:- Mr. Janak Singh Bhinder, Advocate
for the petitioner.

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.22 dated 02.04.2024 registered under Sections 307, 326, 324, 323, 148, 149, 506 and 120-B IPC at Police Station Longowal, District Sangrur.

2. The contents of the above-mentioned FIR are reproduced herein below:-

"Statement of Paramjit Singh Pammi Pradhan, son of Darshan Singh, resident of Duggan, Police Station Longowal, aged about 54 years, mobile number 99154-69301: I am a resident of the aforementioned address and work in agriculture I have two children: an elder daughter named Jaspreet Kaur and a younger son named Gurpreet Singh, aged about 27 years, who is married. On 02.04.2024, my wife Sukhjit Kaur, my son Gurpreet Singh, my daughter-in-law Rajdeep Kaur, my nephew Jaskaran Singh (son of Lakha Singh). and I were present at my house. Around 01:30 in the afternoon, Gurlal Singh, also known as Lalu (son of Kartar Singh, resident of Duggan), armed with a gandasa, Gurlal Singh (son of Maluk Singh, resident of



Lohakheran Road, Longowal, currently residing in Duggan), armed with a gandasas, Gurpreet Singh (son of Bahadur Singh, resident of Longowal), armed with a dang, and one unknown person with a ghop, along with two other unknown individuals, came in front of our house and started shouting for my son Gurpreet Singh. Upon hearing his name, my son Gurpreet Singh and my nephew Jaskaran Singh went out of the house. They picked up the sticks lying near our gate when they saw Gurlal Singh and the others armed with gandasas and sticks. When they crossed the road, my wife and I followed behind them. I saw Gurlal Singh, also known as Lallu, holding a gandasas in his hand. He struck my son Gurpreet Singh on the head with the intention of killing him, hitting him near his left ear. Gurial Singh son of Maluk Singh, resident of Lohakheri at present resident of Duggan attacked on his head and hit on the neck, causing him to fall to the ground, covered in blood. An unknown person struck my son's left leg. Another person challenged them, saying that they should not leave anyone alive today. After the assault, they fled in a black car, number CH 01 AV 4503, and a white Verna car, number PB 13 AL 9492. During the altercation, when my nephew Jaskaran Singh tried to rescue Gurpreet Singh, both Gurlal Singh (son of Maluk Singh) and Gurpreet Singh (son of Bahadur Singh) were also injured. It is unfortunate that a few days ago, there was an argument between my son and the assailants during a wedding in our village. Because of this dispute, they conspired and attacked my son Gurpreet Singh today. Appropriate action should be taken against them. I have given this statement and heard it read back to me, and I confirm it is accurate. Declarant Paramjit Singh, also known as Pammi Pradhan."

3. Learned counsels for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. He further submits that the injury attributed to the petitioner is simple in nature. Learned counsel for the petitioner submits that the petitioner has undergone actual custody of 07 months



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and 14 days and there is no other case pending against him. He further submits that similarly situated co-accused Gurpreet Singh has been granted the concession of regular bail by this Court vide order dated 28.10.2024 passed in CRM-M-42286-2024.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 07 months and 14 days and there is no other case pending against him. He further on instructions submits that the charges were framed on 20.08.2024 and out of 21 prosecution witnesses, none has been examined. 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 learned counsel for the parties.

6. Admittedly, the petitioner has undergone actual custody of 07 months and 14 days and there is no other case pending against him. The injury attributed to the petitioner is simple in nature and out of total of 21 prosecution witness, none has been examined till date. The conclusion of trial will take a considerable period and further detention of the petitioner will not serve any useful purpose. Moreover, similarly situated co-accused Gurpreet Singh has already been granted the concession of regular bail by this Court vide order dated 28.10.2024 passed in CRM-M-42286-2024.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges have been framed and not even a single witness has been examined till date, therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.



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8. 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 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. 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.

10. 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.

19.11.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No