

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56391-2024(O&M)
Date of Decision: 19.11.2024

Tejinder Singh alias Kaku Brahmin ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Hitesh Verma, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No. 339 dated 22.07.2023 registered under Sections 308, 341, 506, 148, 149 of IPC, at Police Station City Barnala, District Barnala.
2. The FIR in the present case was registered on the basis of the statement made by Gagandeep Singh and the same has been reproduced below:-

“Statement of Gagandeep Singh son of Surinder Singh son of Amar Singh resident of Street No. 5, near Gopal Dairy Sekha Road, Barnala, aged 23 years, M.No. 62800-67007, stated that I am resident of above-mentioned address. I am a laborer by profession. On 19.07.2023, while I was returning home from my friend Timmy's house resident of Street No. 4 Sekha Road, Barnala, then at about at approximately 9:00 PM, when I reached near the Labor Office, Street No. 4, Sekha Road, Barnala, I met Kaku Brahman from Akalgadh Basti, Barnala, armed with an iron rod with a bicycle gear fitted on it, Jassu Masuri armed with iron rod,



Parvesh Kumar resident of Gali No. 5 Sekha Road, Barnala, armed with thick baseball-type stick, Chhota Deepu resident of Street No. 5, Sekha Road Barnala, armed with iron rod, Abhishek Kumar resident of Street No. 4 near Soap Factory, Barnala, armed with an iron rod and four other unidentified individuals who were holding wooden sticks. They surrounded me and started beating me. Kaku Brahman, with the intent to kill, struck me with the iron rod fitted with the cycle gear, hitting the right side of my head and gave second blow at the back of my head, and third attack was made below my right knee. While attacking, he declared that they would not let me survive and would kill me. Jassu Masuri gave two blows with his rod, out of which first hit my right arm and second hit my left arm. Parvesh Kumar hit me twice with the thick baseball-type stick while I lay on the ground, causing injuries on my hands. Chhota Deepu hit me multiple times in my back with his iron rod causing severe injuries. Jassi Mota also struck my legs with his iron rod, while Abhishek Kumar attacked me with his armed iron rod hitting my arms, causing severe injuries. The four unidentified individuals incited others, raised Lalkaras that "Don't spare him today, we will kill him today" and kept on issuing threats. I lost consciousness. The above said accused fled from the spot with their weapons. My friend Akshay Sharma son of Bittu Sharma resident of Akalgadh Basti, Barnala, arranged transportation and admitted me to the Government Hospital, Barnala, where the doctor provided initial treatment and referred me to Rajindra Hospital, Patiala, where I am currently undergoing treatment. The reason of the enmity is that the aforementioned individuals demanded money from me, which I refused to give, resulting in this assault due to that grudge. Appropriate legal action should be taken against them. I have got recorded my statement to your good self, heard and confirmed it to be accurate. Applicant SD/-Gagandeep Singh corroborated statement SD/- Sanjay Walia son of Surinder Singh resident of



*street No. 5, Sekha Road, Barnala attested by Sd/- Karamjit Singh,
ASI Police Station City Barnala dated 22.07.2023.”*

3. Learned counsel for the petitioner contends that as per the case of the prosecution, the petitioner had given three blows with iron rod on the right side of the head, back of head and right knee of the complainant. He even exhorted other co-accused to cause injuries to the complainant. Learned counsel further contends that the petitioner was arrested in the present case on 30.11.2023 and even the case has not been committed to the Court of Sessions by the Area Magistrate. Thus, there are no chances of early conclusion of the trial in the present case. By referring to order dated 14.08.2024 (Annexure P-2), learned counsel submits that Chhota Deepu, almost similarly placed co-accused has already been granted the concession of anticipatory bail. Still further, Parvesh @ Parvesh Kumar, another co-accused has been granted the concession of bail by the trial Court, vide order dated 16.08.2023 (Annexure P-3). Thus, no purpose will be served by keeping the petitioner behind bars.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 09 other criminal cases have also been registered against the petitioner and the petition deserves to be dismissed by this Court.

5. I have heard rival submissions made by the learned counsel for the parties and perused the record.

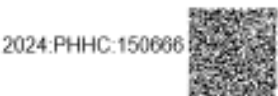
6. In the present case, serious allegations have been levelled against the petitioner, but this Court also cannot overlook the fact that the petitioner is in custody for the last more than 11 months. The injured has already been



discharged and his evidence is yet to be recorded by the Court. Since no witness has been examined so far, there are no chances of early conclusion of the trial.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) 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 to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*



(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

8. Pending application stands also disposed of.

19.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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