

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M No.61269 of 2023 (O&M)****Date of decision : 29.01.2024**

Maninder Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN*******

Present :- Mr. Gurinderjit Singh, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. Chirag Suri, Advocate
for the complainant.

*********PANKAJ JAIN, J. (ORAL)**

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.176 dated 20.08.2023 registered under Sections 323/324/307/506 IPC, at Police Station City Rupnagar, District Rupnagar.

2 As per the allegations levelled in the FIR, it has been alleged as under :-

“Statement of Naheem son of Ramjani resident of village Shampura, Police Station City Roopnagar, now resident of Chaudhrian Da Baagh, Chhoti Haveli, Roopnagar, Police Station City Roopnagar, Roopnagar, aged about 39 District years. Mob. No.9988776857, stated that I am resident of above mentioned address and I along with my handcart of fruit was present at Mittal Chowk, Roopnagar. The time was about 5 p.m. Then one young boy sat near me along with TOKRA (container) full of guava fruit (AMROOD), whose name I came to know as Maninder Singh son of Gurpal Singh resident of village Bhinder Nagar, Police Station Noorpur Bedi, District Roopnagar, who started arguing with me while asking me to

install my handcart (REHRI) at some other place. When I told him that this is my permanent place of installing my handcart (REHRI) and I daily used to install it at this place only, then first of all Maninder Singh gave me beatings with fists and punch blows in anger and he by taking iron knife from his TOKRI (container) and while attacking me with an intention to kill me, gave first blow of his knife on the left side of my head, then he gave second blow on my left arm and thereafter he attacked upon my chest and then he gave blow of his knife forcibly on the left side of my neck and I was badly felt into the pool of blood on the spot and he gave blow of his knife on my nose even when I was lying on the ground and while leaving from there, he turned turtle my handcart of fruits and had fled from the spot while hurling threats to kill me. The passerbys took me from the spot to the Civil Hospital, Roopnagar by using a private vehicle, where I am under treatment. Legal action may please be taken against Maninder Singh son of Gurpal Singh resident of village Bhinder Nagar, Police Station Noorpur Bedi, District Roopnagar.”

3 Learned counsel for the petitioner submits that it was a fight among the street vendors with respect to the place of stall. He further submits that the challan stands presented and thus there cannot be any apprehension that the petitioner would tamper with the evidence. The custody of the petitioner cannot be prolonged as a punitive measure. Petitioner is 28 years old young man and has no criminal antecedents.

4 Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner by now has undergone more than 5 months and 5 days.

5 Learned counsel for the complainant, however, opposes the bail plea submitting that the injuries suffered are serious in nature i.e. 19 stitches on the neck and 4 stitches on the nose and thus the petitioner does not deserve to be released on bail.

6 Learned State counsel is not in a position to dispute the
aforementioned factual assertions based on record.

7 I have heard learned counsel for the parties and have gone
through the records of the case.

8 Without commenting on the merits of the case and considering
the incarceration suffered by the petitioner, the present petition is allowed.
The petitioner is ordered to be released on bail on his furnishing bail/surety
bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9 Needless to say that anything observed herein shall not be
construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

29.01.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No