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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of Decision: 10.12.2024

Gurmeet Singh @ Nannu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Gulshan K. Moudgil, Advocate
for the petitioner

Mr. Vinay Kumar Malhotra, 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.83 dated 07.08.2023 registered under Sections 307, 452, 326, 323 and 120-B IPC at Police Station Ahmedgarh, District Malerkotla.

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

"Copy of Statement of Ramesh Goyal son of Shri Shiv La, resident of Bali Ram Street, Near Durga Mandir, Ward No. 10, Ahmadgarh. Police Station City Ahmadgarh aged about 65 years, Mobile: 99149-47111 Stated that as of daily routine, I come to the brick kiln at 07:30 Am and my son Avi come at the brick kiln by bringing breakfast and we do the business of brick kiln. Today I had come to the brick kiln at 7:30 AM and my son by bringing breakfast had come to the brick kiln at about 09:30 PM and we after sitting together had taken breakfast and had been discussing regarding our business with each other, then



it would be at about 10:45 AM, then inside our office 4 unknown persons whose faces were muffled, were having gandassi, dah and sticks in hands, came inside at once, then one person directly hit with dah in the head of my son Avi and the other person hit with the gandassi gave direct blows on the legs of my son Avi and both other persons started giving blows to me with their sticks which hit on my left hand and one person uttered that we have not leave Avi alive. They started giving blows to me and my son Avi continuously and also said that Avi you get abbed the coal and carbon of the brick kiln of our owners, you have not to be left alive, On hearing screaming of mine and my son, our driver and labourer were about to come to our office, then all the above mentioned four persons along with the weapons by sitting in their car fled away towards Kalyan. I can identify the persons on coming present before me. The motive behind the occurrence is that my son Avi and persons of other Brick Kilan Association have since filed cases in Hon'ble High Court against Abhinandan son of Ashok Kumar, resident of Dugri Ludhiana owner of brick kiln B. K. O. Village Batthan and these cases are regarding burning carbon. The above mentioned persons have given a number of blows to me and my son in order to eliminate us. They have given direct blows of dah and gandassi in the head of my son Avi. Now my son is under treatment in serious condition at DMC Ludhiana in Emergency Ward, who has no senses, in whose head there is adequately incised cut. All these persons have been sent by Ashok Kumar and Abhinandan at my brick kiln in order to eliminate me and my son and they have inflicting injuries to me and my son by giving direct blows with dah, gandassi and stick. Appropriate legal action may be taken against these above mentioned unknown persons as well as Ashok Kumar & his son Abhinandan. The statement has been got recorded to you, heard, the same is correct."

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has undergone an actual custody of 01 year,

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registered against him. He further submits that a compromise has been effected between the parties and places reliance upon compromise deed dated 28.09.2024 (Annexure P-4). He submits that the co-accused has already been granted the concession of regular bail by this Court vide order dated 03.10.2024 passed in CRM-M-64584-2023.

4. *Per contra* learned State counsel submits that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 01 year, 03 months and 24 days and is not involved in any other case. He on instructions from the concerned investigating officer submits that charges were framed on 19.04.2024 and out of total of 11 prosecution witnesses, none has been examined. He, however, submits that 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. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed on 19.04.2024. The petitioner has undergone an actual custody of 01 year, 03 months and 24 days. Out of total of 11 prosecution witnesses, none has been examined and a compromise has been effected between the parties. The co-accused has already been granted the concession of regular bail by this Court vide order dated 03.10.2024 passed in CRM-M-64584-2023. The petitioner is a man of clean antecedents and no other case is registered against him. Further incarceration of the petitioner will not serve any useful purpose.

7. 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



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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 they are 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.

8. 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.

9. 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.

10.12.2024
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(KIRTI SINGH)
JUDGE

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