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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision: 20th November, 2024

Tufan Singh @ Chanan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tushar Sharma, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 362 dated 13.11.2023 registered under Sections 307, 323, 379-B, 279, 427, 341, 324, 148 and 149 of IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 (deleted later) at Police Station City Kapurthala, District Kapurthala.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement got recorded by the complainant Prabhpreet Singh Khinda on 13.11.2023 alleging therein that on the evening of 12.11.2023, he along with his family members had gone to Nahal Restaurant. When he reached there, a car make Maruti Alto bearing registration No.PB-06-AB-6736 came from the opposite side and hit his car causing damage to the same. The driver of

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the offending vehicle alighted from the same. He was under the influence of liquor and he extended threat to the complainant by showing him a pistol. The complainant immediately made a call to the police and also called Gurjit Singh Cheema and Vikram Anand to help him. In the meanwhile, 7-8 youths armed with kirpan and datar reached at the spot and started making exhortations. Vikram Anand tried to rescue family of the complainant but the assailants opened an assault upon Vikram Anand with an intention to kill him and by striking blows with datar and kirpan thereby causing injury on his head. They also snatched money from his pocket. The injured Vikram Anand had fallen down on ground. His vehicle was also damaged. The assailants also tried to chase the driver of the Innova Car who had driven away the vehicle. The injured was rushed to hospital as he was in critical condition.

3. As per further allegations, after registration of FIR, investigation proceedings were initiated. The complainant recorded his supplementary statement on the basis of which the petitioner and accused Paramjit Singh @ Pamma, Bugga Singh, Rana Singh, Vicky, Sarabjit Singh @ Yuvraj @ Yuvi and Raghvir Singh were nominated as such. The petitioner was arrested on 01.02.2024. He suffered disclosure statement admitting his involvement in the subject crime. Some more accused were also nominated subsequently on the basis of disclosure statement of accused Paramjit Singh. Offences under Sections 25 and 27 of Act, 1959 were deleted. Investigation has since been completed and challan has been presented in the Court. The petitioner had moved an application for grant of



bail which has been dismissed by the Court of learned Additional Sessions Judge, Kapurthala vide order dated 05.11.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR and was nominated as an accused on the basis of supplementary statement of the complainant which was so made after due deliberations and concoctions. It has been wrongly alleged against him that he had caused any injury on the vital part of body of the victim. The trial is likely to take time. He has a permanent abode. There are no chances of his absconding or intimidating the witnesses. His custodial interrogation is not required. As such, no useful purpose would be served by detaining him in custody any more. While submitting that keeping in view the period of incarceration of the petitioner and the fact that he has been named subsequently, he deserves to be extended benefit of bail.

5. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are serious and specific allegations against the petitioner. He had been identified by the complainant as the person who had caused injuries to the victim Vikram Anand. The injury on the head of the victim was serious and dangerous to life. The photographs annexed with the status report proved the nature of the injuries and the condition of the injured. The material witnesses i.e. the complainant and the victim are yet to be examined. There are chances of petitioner's intimidating them. Therefore, it is argued that the petition does not deserve to be allowed.



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6. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have voluntarily caused injuries to the victim Vikram Anand. The victim had sustained injury on his head. The petitioner is in custody since 01.02.2024. His custodial interrogation is no more required as the investigation stands completed. Trial has not yet commenced and is likely to take time. It is well settled proposition of law that bail is the rule and jail is an exception. His further detention in custody is not going to serve any useful purpose. In view of the above discussed facts, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

20th November, 2024

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*