

(224)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-64728-2023
Date of Decision: 13.03.2024

TARSEM SINGH @ SEMI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. PKS Phoolka, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Addl. DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0045 dated 19.02.2022 registered under Sections 308, 323, 341, 148, 149 IPC at Police Station Bhikhi, District Mansa.

2. The present FIR came to be registered at the instance of Gurpreet Singh son of Kewal and the same reads as under:-

“Copy of Statement, statement of Gurpreet Singh son of Kewal Singh, resident of Atla Khurd, aged about 21 years, mobile No.8360677738, states that I am resident of above said address. We have two brothers. I am elder and younger to one is Harpreet Singh today on 10.00 my friend Karan Singh son of Binder Singh, resident of khiyala Kalan was present in our house then Sukhi Singh son of Mahnder Singh, resident of Atla Khurd of our village called me for playing in the ground I and my friend Karan Singh went to the ground first Sukhi Singh handshake and thereafter my

friend Karan Singh handshake and thereafter put hand in kara of him and gave lalkara and in the meantime Lok Singh resident of Bhupal having wooden plank, Sukhchain Singh Bhujia son of mohinder Singh resident of Mati having Gandasa, Jassa Singh resident of Cheema having dang, Saminder Singh @ Simmu son of Jarnail Singh resident of Bhikhi having dang and Bhupinder Singh resident of Khiva Dayaluwala having soti and upon coming Lok Singh gave wooden plank blow on my right leg then Sukhchain Singh @ Bhujia gave reverse side gandasa blow on my left leg and then Jassa Singh gave one dang blow on my left leg then Saminder Singh @ Simmu gave dang blow on my chest then Bhupinder Singh gave soti blow on my left hand then Somi resident of Dhaliyan having soit, and Fauji resident of Dhaliyan having soti and Sami Singh Dhaliyan gave soti blow on the head of Karan and Fauji Singh gave blow on left arm and elbow of Karan then we raised raula of marta marta and thereafter all these persons ran away from the spot and after arranging the vehicle we have admitted to civil hospital Bhikhi and above said persons gave injury to me and my friend Karan.”

3. The learned counsel for the petitioner contends that he has been falsely implicated in the present case. In fact, the petitioner had been granted the concession of regular bail. However, on account of misconception regarding the date fixed, he was unable to appear because of which his bail was cancelled. Pursuant to the cancellation of bail, he surrendered on 26.09.2023 and was in custody ever since. As none of the 13 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that though the petitioner had been granted the concession of bail, he absconded because of which non-bailable warrants were issued. And it was only later that the petitioner surrendered. He, however, concedes that none of the 13 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner has been granted the concession of bail at an earlier stage. Though, he absented from the Trial and was summoned through non-bailable warrants, he surrendered and now is in custody since 26.09.2023. Further, none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Tarsem Singh @ Semi son of Nachhattar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same

would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

13.03.2024
JITESH

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