

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-65226-2023 (O&M)
Date of Decision:- 09.01.2024

Sandeep Singh alias Happy Gill ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amardeep Singh Mann, Advocate, for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab,
assisted by ASI Modan Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
0114	9.8.2023	City I Mansa, District Mansa	Under Section 307, 379-B, 323, 324, 148, 149 IPC (Section 25 of Arms Act added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Bitu Singh wherein it is alleged that on 9.8.2023 when he went to drop his son on his motorcycle, a person came from behind and grabbed him from his neck. Rauni son

of Mithu Singh caught hold of his son Anmol who was sitting on complainant's motorcycle. The complainant however, resisted and did not let the said persons snatch his son. It is alleged that the accused threw him on the ground. Later, the complainant came to know that the person who had caught hold of him from his neck was Paramjit Singh @ Sama. It is further alleged that Rauni @ Rupinder Singh had aimed a blow with his pipe towards the head of the complainant, but the complainant was able to ward off the said blow with his right hand. It is further alleged that two unknown persons had also given beatings to him with iron rods and that Paramjit Singh snatched his gold chain weighing 2 tolas. When the complainant raised hue and cry, the said assailants fled away from the spot leaving behind the complainant and his son.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and as a matter of fact even in the supplementary statement of the complainant recorded on 12.8.2023, name of the petitioner does not find mentioned anywhere and it is only pursuant to the statement of co-accused Paramjit that the petitioner came to be nominated as an accused. Learned counsel further submits that the petitioner has a clean record and in any case, since challan already stands presented his further detention is not required for any purpose.
4. Opposing the petition, learned State counsel has submitted that since it is a case where the complainant had sustained as many as 3 incised wounds and the name of the petitioner came to be disclosed upon interrogation of co-accused Paramjit, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on

date has been behind bars since the last about 4 months and 18 days and that challan already stands presented. It has also been informed that the charges are yet to be framed and as many as 15 PWs have been cited and that the petitioner otherwise is not involved in any other case.

5. This Court has considered the rival submissions.
6. Without commenting anything as regards the merits of the case, but having regard to the custody period of the petitioner and his clean record and that conclusion of trial is likely to consume time, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.01.2024

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No