

2025:PHHC:073721



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

206

CRM-M-5962-2024

Date of decision: May 28, 2025

PIARA MASIH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
with ASI Amreek Singh.

MANJARI NEHRU KAUL, J.

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.27 dated 26.05.2023 under Sections 307, 452, 323, 324, 342, 506, 379, 411, 148, 149, 325, 326, 341, 201, 473, 452, 458 of the Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station Kotli Surat Malhi, District Gurdaspur (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been languishing in custody since 30.05.2023; after the charges were framed on 04.11.2023, only 1 prosecution witness out of the 32 cited has been examined till date. It has been further asserted that the case is being adjourned repeatedly by the learned trial Court as the witnesses have not been appearing before the learned trial Court despite the issuance of bailable/non-bailable warrants to secure their presence. In support, he has



placed on record all the *zimni* orders passed by the learned trial Court. In addition, it has also been brought to the notice of this Court that the complainant, who allegedly sustained injuries in the occurrence in question, had died natural death in the year 2025.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed the stage of trial, however, the allegations levelled against the petitioner in the FIR (Annexure P-1) have been reiterated, which stand reproduced hereinunder: -

“Statement of Vikramjit Singh son of Gurmeet Singh Resident of Nabi Nagar Police Station Kotli Surat Malli age about 25 years, 93482-29773, stated that I am a resident of the said address and I am driving truck. At this time on the truck of Patiala transport, I bring the material stone, etc. from Himachal side for the construction of road at Malerkotla side and gets it unloaded there and some time ago I had a relationship with Jyoti wife of Bunty resident of Balmik Mohalla Kalanor. We started talking to each other on the phone and Jyoti started taking money from me for small expenses. When she started demanding more money from me, I stopped picking her phone call. And about 10 to 15 days, ago Jyoti established contact with me and came to me at Machiwara along with a person named Pyara Masih/whom I just came to know him now, whose father's name is Pal Masih resident of Patti Chandigarh Kala Afghana and apart from this 2 to 3 more unidentified person came who were also carrying pistols and Jyoti started telling me that you are no longer giving money as per my request and as per my requirement and after chit-chatting they started leaving. While leaving Jyoti took the mobile from my hand and started saying that this mobile I am need and I kept quiet after seeing Pyara Mashi alongwith the person having pistol in their hands with the Jyoti and I did not complain about it to the police or anywhere else at that time because I had my relationship with Jyoti, earlier. I then took my new mobile and put the said Jyoti's mobile number in the block list and on 25.05.2023 at 09:30 PM I received a call from an unknown number who said that I am Pyara Masih talking to you. We will



teach you the lesson, that you are defaming Jyoti. That after taking the food we slept in our house and I was sleeping in my drawing room, it would be around 03:30 AM, that suddenly a sound came of opening of the door by pushing it. Suddenly I got up and saw the said Jyoti armed with baseball bat, said Pyara Masih armed with Pistol and other unknown person among whom one had a pistol and other two were armed with Dattar (Sickle) entered in the room and by seeing them I shouted and listening to which my father Gurmeet Singh, mother Rajwinder Kaur, brother Harpal Singh rushed into my room and unknown persons including Pyara Masih by pointing pistols said to my brother, mother and father to sit quietly on one side otherwise you also will be killed. That pointing the pistons by unknown person all these three were made to sit on the cot. And by holding the dattar from the unknown person the Pyara Singh said that I will teach you about the fun (rather teach you the lesson) that "by making friendship with the said Jyoti and not obeying her", and on the same instances with the intention to kill me has attacked on my head with the hand held sickle (Dattar), which has hit straight on the rear side of my head, then Pyara Masih has made two straight two direct blows on me with the intention to kill me which to save my self I have raised my right hand and it hit me on just above the right hand wrist and the hit of the second attack was made inside the right arm just above the previous hit. Then the aforesaid Jyoti has made continuously three attack with the baseball on me, which hit me on the left arm, second on the left leg and third on the right shoulder, then the unknown person has hit me with the hand held dattar which hit me on the right hand from the rear side and then I, unconsciously fell down on the floor. And the unknown person made two continuous blow while I was lying fell on the floor, one of which hit me inside the left foot and another on the right foot and then Pyara Masih made continuous attack with the hand held sickle (Dattar) on me which hit me on the right side of the foot and another on the outside portion of the right foot and my parents shouted loudly without being care of their own life, then all the accused ran away from the spot alongwith their weapon and while leaving they stolen silently the mobile phone of mine and my brother which was lying on the SOFA and took alongwith them. Being injured, by making arrangement of the conveyance, my father took me and got admitted to the CHC Dera Baba Nanak Hospital, where doctor sahib has given me the first aid and bandages. Then they recorded the result. Whole of this incident were noticed with their own eyes by my father, brother and mother. The reason behind this revenge is that the aforesaid



Jyoti made relationship with me to get and grab the money from me and later when she started demanding more money, I have lessened my attachment with her. That by associating with the aforesaid Pyara Masih, who is a criminal person, she snatched my mobile phone a few days ago. That same incident I have narrated to their near and dear one, taking the same incident as revenge, they alongwith the unknown person, by parking their vehicle at distance from our house and has beaten me by entering in my bed room by jumping over the four-wall fence of our house. And during that period time, kept caged by father, mother and brother on the point of pistol. I got my statement written and read out, it is correct. Action must be taken against them accordingly.”

4. It has been submitted by the learned State counsel that although, as per the FIR, initially the petitioner was alleged to be armed with a firearm, however, during the course of the occurrence in question, he took a *datar* from the co-accused and thereafter, inflicted multiple injuries on the person of the complainant/injured, out of which one injury was on her head. The said injury was opined to be simple in nature. It has also been brought to the notice of this Court that the petitioner is a man of criminal antecedents as he has previously been booked in 3 other criminal cases, out of which concededly, in 2 cases, he has since been acquitted.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. A perusal of the *zimni* orders reveals that despite issuance of bailable warrants and the case being adjourned repeatedly, witnesses, for reasons best know to them, have been continuously not appearing before the trial Court. The delay in the conclusion of trial is attributable to prosecution and prosecution alone, for which the petitioner cannot be made to languish



in custody for no fault of his. The trial is unlikely to conclude in the near future as 31 prosecution witnesses still remain to be examined.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude.

8. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 28, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No