



CRM-M-12647-2025

-1-

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

CRM-M-12647-2025

Reserved on: 19th August, 2025Pronounced on: 22nd August, 2025

Harinder Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

Mr. Gursharanjit Singh Chanata, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 121 dated 30.05.2024 registered under Sections 307, 326, 323, 324, 341 and 506 of IPC at Police Station Tanda, District Hoshiarpur.

2. The aforementioned FIR, has been registered on the basis of a statement recorded by the complainant Aman Verma alleging that on the evening of 28.05.2024, he had left his house on his Aactiva vehicle for the purpose of going to Tadda and when he reached near the road of his street, he was intercepted by the petitioner, who came there on a motorbike and stopped it in front of his vehicle, thereby making his vehicle fall down. The complainant had also fallen down. Then with an intention to kill him, the



petitioner took out a sharp-edged weapon from the inner pocket of his pant and struck several blows with the same, thereby causing injuries to his right shoulder, left hand, and little finger. The complainant tried to rescue himself by running and also made a call to his brother-in-law Sandeep and fell down in the process. The petitioner gave kicks to him. In the meanwhile, Sandeep Kumar reached there, but he too was assaulted by the petitioner. After registration of FIR, investigation proceedings were initiated. The victim was medically examined. One injury on his person was declared to be dangerous to life, whereas three were found to be grievous in nature. The petitioner was arrested on 29-07-2024. He suffered a disclosure statement admitting his involvement in the crime and got recovered the weapon of offence. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The original genesis of the occurrence has been concealed by the complainant. In fact, on the fateful day, the petitioner along with his nine-year-old son was going towards his plot on his motorbike, when the complainant had come from the other side, the petitioner had stopped his vehicle to give way to the complainant but the complainant had hurled abuses to the petitioner and had kicked his motorbike. He had called his accomplice, who had reached there along with a *daang*, then both of them had opened an assault upon the petitioner and had thrown his turban in drain. The petitioner had sustained five injuries. His son tried to save him but the complainant and his accomplice had tried to assault him and then to save his son and himself, the petitioner took out Shri Sahib (*Kirch*) which he kept with him as an Amritdhari Sikh and in the



scuffle some injuries were sustained by the complainant. He was not the aggressor. The motive for falsely implicating him was that a dispute was already going on between them due to taking illegal possession of some land by the complainant. There was a delay of two days in reporting the matter to the police which has not been explained. He had also filed a complaint to the police but no action was taken. He was having a CCTV footage showing that it was a complainant who had opened attack upon him and that CCTV footage had been given to the investigating agency but the same had not been taken into consideration. Trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. He does not have any criminal antecedents. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General Punjab, assisted by learned counsel for the complainant, that there are serious and specific allegations against the petitioner, who had inflicted as many as eight injuries on the person of the complainant. Three of these injuries are grievous, and one of which has been opined to be dangerous to life also. There are chances of petitioner's intimidating the other material witnesses, if extended benefit of bail. Therefore, it is, urged that the petition does not deserve to be allowed.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioner is alleged to have assaulted the complainant as on 28.05.2024 and is alleged to have voluntarily caused simple as well as grievous injuries on his person. One of such injuries is declared to be



dangerous to life. The petitioner is, in custody since 29-07-2024. The trial will take considerable time to conclude since no witness has been examined so far. The petitioner has placed on record annexures P-5 and P-6 complaints shown to have been filed against the complainant by him/his family members, and also Annexure P-10, which is a copy of a statement shown to be recorded by one Amarjeet Singh on 27.06.2024 before SP investigation, saying that the petitioner and his son had been assaulted by the complainant and his accomplices, and he was seen defending his turban as well as his child with Shri Sahib a weapon kept by the petitioner, being a Amritdhari Sikh. The petitioner has placed on record a pendrive containing extract of the CCTV footage installed in the vicinity and if carefully seen, it appears that the petitioner who was riding on a motorbike had firstly been assaulted by the victim. Though no definite conclusion can be drawn from this video recording contained in pendrive as authenticity of the same has been established from thorough assessment of the evidence to be produced before the learned trial Court, however, keeping in view the fact that the petitioner is in custody for over a period of one year. He has clean antecedents and the fact that no useful purpose would be served by keeping him in custody. There is also no basis for the contention that he may intimidate the witnesses, this court is of the considered opinion that a case is made out for release of the petitioner on bail. Accordingly the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and further subject to the condition that he would not try to contact, induce, or intimidate either the

**CRM-M-12647-2025****-5-**

complainant or the victim or any other material witnesses during the pendency of the trial.

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

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd August, 2025

Parveen Sharma

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

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