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

CRM-M-13357-2025

Date of decision : 02.04.2025

Gurwinder Singh @ Kaka**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.65 dated 07.06.2024, under Sections 379-B, 307, 341, 148, 149 of IPC and Sections 326, 323, 201 of IPC (added later on) (offence under Sections 379-B and 307 IPC have been deleted and offence under Sections 326, 323, 201 of IPC has been added later on), registered at Police Station Sadar Sangrur.

2. Succinctly facts of the case are that the FIR in the present case has been lodged on the statement of Manjeet Singh son of Niranjana Singh. It was alleged that on 07.06.2024, his elder son Rajvir Singh after finishing his duty was going on his motorcycle from Gurdas College to Village Gharachon via Village Kalaudi. He was following him on his motorcycle and was at some distance behind him. When they reached near Village Kalaudi drain at about 06:00 PM then from Kalaudi side 06 young boys came on two motorcycles. They had overtaken the complainant. Out of them, one young boy namely, Manpreet Singh who was known to him



got down from the motorcycle. He was armed with an ice breaking instrument (sua) with an intention to kill his son. He gave the blow of sua on the back side of his son. The other boys also got down from their motorcycles and gave iron rod blow on the biceps of his son due to which, his son fell down from the motorcycle. Manpreet Singh after snatching motorcycle of his son along with other boys escaped from the scene of occurrence. He chased them and on raising an alarm with the help of passersbys, two of the boys whose motorcycle got skidded were apprehended by them. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. During investigation, on the basis of supplementary statement of the complainant, name of the petitioner also surfaced and thus, he was also arrayed as an accused. Petitioner was arrested on 10.12.2024. He approached the Court of learned Additional Sessions Judge, Sangrur praying for grant of bail. However, after hearing counsel for the parties, learned Additional Sessions Judge, Sangrur declined the same vide his order dated 22.01.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner is neither named in the FIR nor there was any overt act attributed to him. However, he has been implicated in the present case on the basis of the supplementary statement of the complainant which is totally an afterthought. It is submitted that the injuries to the son of the complainant and other allegations are qua the co-accused and not qua the petitioner. He submits that in all there are 08 accused, out of which, 05 accused have already been enlarged on bail. He further submits that after



the present case, petitioner has been falsely implicated in two more cases. He further submits that investigation is already complete and in the overall facts and circumstances of the case, petitioner deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner was along with the co-accused who caused injuries to the son of the complainant and petitioner has duly participated in committing the alleged offence. He has placed on record the custody certificate of the petitioner and has submitted that petitioner is involved in two more cases. He, on instructions from ASI Hakam Singh, has submitted that out of 08 accused, 05 accused are on bail. He further submits that investigation in the present case is already complete, challan has been presented however, charges are yet to be framed.

5. After hearing counsel for the parties and perusing the record, it is deciphered that petitioner was arrayed as an accused in the present case on the basis of the supplementary statement of the complainant. As submitted out of 08 accused, 05 accused have been enlarged on bail. As per the custody certificate, petitioner has suffered incarceration of 03 months and 22 days as on 01.04.2025. Custody certificate further reflects that petitioner is involved in two more cases which are registered after the present FIR.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. However, keeping in view the overall facts and

circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. If the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in the present case. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

02.04.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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