

2025:PHHC:014459



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105+207

1. CRM-4197-2025 in/and
CRM-M No.23068 of 2024 (O&M)

Namandeep Singh ... Petitioner

Versus

State of Haryana ... Respondent

2. CRM-M No.25882 of 2024 (O&M)

Balwinder Singh ... Petitioner

Versus

State of Haryana ... Respondent

3. CRM-M No.26843 of 2024 (O&M)

Harpreet Singh ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision: 31.01.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Jindal, Advocate,
for the petitioners.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

**CRM-4197-2025 in/and
CRM-M No.23068 of 2024 (O&M)
CRM-M No.25882 of 2024 (O&M) and
CRM-M No.26843 of 2024 (O&M)**

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MANISHA BATRA, J. (Oral)

**CRM-4197-2025 in
CRM-M No.23068 of 2024**

The application is allowed as prayed for and copy of zimni orders as Annexures P-3 and P-4 are taken on record.

**CRM-20293-2024 in
CRM-M-23068-2024**

The application is allowed as prayed for.

Main Case

1. This common order of mine shall dispose of the aforementioned three petitions that have been filed by the petitioners seeking benefit of regular bail in case arising out of FIR No.70 dated 25.02.2024 registered under Sections 147, 149, 323, 324 and 506 of IPC at Police Station Dabwali Sadar, District Sirsa.

2. Brief facts of the case relevant for the purpose of disposal of these petitions are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Shiv Raj Singh alleging therein that on 24.02.2024, he along with his nephew Binder had gone to agricultural land situated at Village Nilawali to water the fields when at about 9:45 AM, the petitioners armed with weapons and accompanied by another person unknown to the complainant reached there. The petitioner-Balwinder Singh made exhortation to teach the complainant a lesson for watering his fields, opened an attack upon the complainant and caused

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injuries to him with the weapons they were carrying. His nephew rushed for his rescue but he too sustained injuries at the hands of the petitioners. The clamour raised by them attracted the neighbourers who rushed towards the spot and on seeing them, the assailants fled away while extending threats to them. The injured were rushed to the hospital. Initially, a case under Sections 147, 149, 323, 324 and 506 of IPC was registered. Subsequently, offence under Section 326 of IPC was added. The petitioners Namandeep Singh, Balwinder Singh and Harpreet Singh were arrested on 27.03.2024.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. They are in custody since long. Infact, it is a case of version and cross version as a cross FIR bearing No.72 dated 25.02.2024 has been registered against the members of complainant party under Sections 323 and 324 read with Section 34 of IPC. The injuries sustained by the members of complainant party were on non vital parts. The investigation has been concluded. It will be relevant to mention that the petitioner-Namandeep Singh was extended benefit of interim bail vide order dated 14.05.2024, the petitioners-Balwinder Singh and Harpreet Singh were extended the same benefit on 30.05.2024 and they have not misused the concession of the same. No useful purpose would be served by detaining them in custody again. The trial is likely to take time. Therefore, it is urged that they deserve to be extended benefit of regular bail.

4. A common reply has been filed by the respondent-State.

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Learned Assistant Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioners, they do not deserve to be extended benefit of regular bail and the concession of interim bail as given to them also deserves to be withdrawn.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioners are alleged to have formed a membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, they are alleged to have caused simple as well as grievous injuries to the complainant and his nephew. The trial has commenced and is likely to take time to conclude. There is nothing on record to show that the petitioners have misused the concession of interim bail granted to them. The subject offences are triable by Magistrate. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts but without meaning to make any comment on the merits of the case, the petitions are allowed and the orders granting interim bail to the petitioners Namandeep Singh, Balwinder Singh and Harpreet Singh are confirmed.

31.01.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No