

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

2025:PHHC:099732



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CRM-M-34858-2024

Date of decision: 05.08.2025

Harjinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.142 dated 30.09.2020 registered for the offences punishable under Sections 307, 341, 323, 324, 326, 506, 148, 149 of IPC and under Sections 25, 27 of Arms Act, 1959 (Section 201 of IPC and Section 30 of Arms Act, 1959 added lateron) at Police Station Khem Karan, District Tarn Taran.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“First Information Report: Statement of Balwinder Singh son of Gajjan Singh, Resident of Mehndipur aged about 52 years

Mobile No. 87280--85802 stated that I am the resident of above mentioned address and is doing the work of agriculture and on 26.09.2020 I and my brother Malwinder Singh was summoned at police station Khem Karan regarding the dispute with Harpreet Singh son of Baljit Singh Resident of Mehndipur and due to absence of Harpreet Singh and party SHO sent us back and again on 27.09.2020 regarding this dispute I and my brother Malwinder Singh in the morning at about 7/8 AM came at the police station and also my brother Jaimal Singh alongwith other residents of Village came there regarding the compromise and met SHO Sahib and he also summoned the other party Harpreet Singh and others at the police station but they didn't come present there and then at about 4 PM in the evening SHO said that other party has not come forward you may go tomorrow I will summon them and on one motorcycle my brother Malwinder Singh who started riding the motorcycle and on his back our brother Jaimal Singh sat on back seat and on another motorcycle Balwinder Singh son of Virsa Singh started riding and I sat on back seat of him and on the third motorcycle Mehar Singh son of Ajaib Singh Resident of Mehndipur also accompanied us and in front Jaimal Singh and Malwinder Singh started moving and when we reached near Defence Bridge Mehnaipur then Satnam Singh son of Surjan Singh with Rifle 12 Bore, Harjinder Singh alias Jinda 2 son of Mehtab Singh with Rifle 12 bore and Avtar Singh alias Tari son of Ran Singh with Rifle 12 bore. all residents of Mehndipur while coming out of the bushes started firing shots and the same hit my brothers Malwinder Singh and Jaimal Singh on their legs and also hit them on their shoulders and then my brother Malwinder Singh little back from barricade at the side of Khem Karan fell down and Jaimal Singh fell down on the road near Defence and Malwinder Singh and Dulla Singh son of Mehtab Singh with Datar, Mehtab Singh son of Baghel Singh with Datar, Gurméil Singh son of Nawab Singh with Kirpan, Gurlal Singh son of Nawab. Singh with Kirpan Veerz son of Udhafi Singh with Datar and Raja son of Satnam Sihgh with Datar all residents of Mehndipur with their weapons with the intention to give grievous injury on the person of Malwinder Singh on both

the legs, arms and hands inflicted uncountable deep cuts and on the person of my other brother Jaimal Singh Harpreet Singh son of Baljit Singh Resident of Mehndipur with Datar with the intention to kill him made datar blow and who in his defence moved his left hand forward which hit him on his left hand and the his hand was almost hanged and Ramandeep Singh son of Baljit Singh with Datar, Gurpreet Singh son of Suba Singh with Datar, Buntly son of Nishan Singh with Datar, Gurbhej Singh son of Ran Singh with Kirpan and Navdeep Singh son of Gurjant Singh with Kirpan all resident of Mehndipur and 4-5 unknown persons with Baseballs with the intention to kill gave uncountable blows on legs, arms and hands and then we raised' the alarm "Mardita-Mardita" then all the accused alongwith their weapons while raising Lalkara and by proclaiming threats flew away from the spot and Mefiar Singh son of Ajaib Singh also hit by the fire shot on his leg. Grudge is that we have a dispute of land with them then I and Balwinder Singh and other residents of the Village by arranging the vehicle to our brother Malwinder Singh and Jaimal Singh took them to the Civil Hospital Khem Karan and Doctor by providing the help being the serious nature case referred us to Amritsar and we for the treatment of our both the brothers got admitted them in Amandeep Hospital, Amritsar where both of them are under treatment. I got my statement recorded before you at Amandeep Hospital, Amritsar and the same is correct. Yours faithfully kindly taken legal action. Sd/- Balwinder Singh Attested Sd/- Lakhwinder Singh SI PS Khem Karan dated 30.09.2020. Action by Police: On dated 27.09.2020 I SI alongwith Police party for obtaining the statement of injured Malwinder Singh son of Gajjan Singh and Jaimal Singh above visited Amandeep Hospital and the Doctor for the recording of their statement declared them unfit Balwinder Singh above met present there who under nervousness did not got recorded his statement on dated 28.09.2019 1 SI alongwith colleague officers reached Amandeep Hospital, Amritsar and Doctor declared the injured for giving their statements unfit and none of the witness met present over there today on 30.09.2020 1 SI alongwith HC Praduman Singh 613, C Bachiter Singh 939, PHG Surjit Singh

4345 on private vehicle reached Amandeep Hospital, Amritsar where for obtaining the statements of injured took the writing opinion of the Doctor and the Doctor declared the injured for giving statement unfit. The witness Balwinder Singh met the spot whose statement was recorded and was read over to him and made him understood who are hearing the statement and after founding the same to be correctly recorded under his statement put his signatures in Punjabi which is attested by me SI. In view of the statement offence under Section 307, 341, 323, 324, 326, 506, 148, 149 IPC and 25/27/54/59 Arms Act has been found to be committed. Original statement for the registration of the case by hand PHG Surjit Singh 4245 is being sent to Police station. After registering the case number of the same may be informed. Special reports may be issued. Contre room may be intimated. I SI alongwith colleague officers is bus in investigation at the spot today Amandeep Hospital, Amrits at 02.10 PM Sd/ Lakhwinder Singh S\$I PS5 Khem Kara dated 30.09.2020.

Today Police Station: At this time Fard Statement was receiv in the police station the case under Sections above at registering the same the statement alongwith copy of the by hand PHG for further investigation is being sent to deputed at the spot. After issuing special reports by h HC/P Rachpal Singh No. 9/422 for presenting the same be Senior Officers. Control room through email has intimated. Bandi Report No. 31 time 5.40 PM 30.09.2020.”

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question on account of a land dispute. Learned counsel for the petitioner has further submitted that the petitioner is in custody since 18.09.2023. Learned counsel for the petitioner has further iterated that there are 45 prosecution witnesses cited, but none has been examined till date. Learned counsel has further submitted that the co-accused namely Satnam Singh and Avtar Singh @ Tari, who are on similar footing as the petitioner, have been extended the

concession of regular bail vide order dated 21.11.2022 passed in **CRM-M-5351-2021** and **CRM-M-9496-2021**, respectively. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.09.2023, whereinafter investigation was carried out and challan was presented on 17.12.2023 wherein total 45 witnesses have been cited, out of which none has been examined till date. It is not in dispute that the conclusion of trial will take long time. At this juncture, it would be apposite to refer herein to the *dicta* passed by the Hon'ble Supreme Court **Javed Gulam Nabi Shaikh vs. State of Maharashtra and another, 2024(3) RCR (Criminal) 494**, relevant whereof reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

19. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the

fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 04.08.2025 filed by the learned State counsel, the petitioner has suffered incarceration 1 year, 10 months and 16 days. Further, as per the said custody certificate the petitioner is stated to be involved in three other cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon’ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon’ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of***

Haryana, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the

State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 05, 2025
Naveen

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