

CRM-M-35436-2024
Reserved on: 01.04.2025
Pronounced on: 22.04.2025

...Petitioners

State of Punjab

...Respondent

Present: Mr. Sandeep Verma, Advocate
for the petitioners (Through VC).

Mr. Sukhdev Singh, AAG, Punjab.

Mr. Karan Kalra, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
252	30.08.2023	City Kharar, District SAS Nagar, Mohali	323, 452, 506, 148, 149 IPC (307 IPC added later on)

1. The petitioners incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. Petitioner No.2 was granted regular bail by Coordinate Bench of this Court vide order dated 30.09.2024. Therefore, this order is qua petitioner No.1 only and hereinafter petitioner word stands for petitioner No.1.
3. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That brief facts of the case are that the present FIR has been registered on the statement of complainant Akbar Ali, son of Late Rafiq Ahmad, resident of H. No.1472, Civil Hospital Road, Kharar. He has got recorded his statement with the police that on 29.08.2023, was working at his shop. At about 9.15 P.M. when he was attending a customer, then Amarjit Singh

CRM-M-35436-2024

@ Amru armed with rod and Daman (petitioner no.1) armed with rod and Simran Singh (petitioner no.2) armed with kirpan entered into his shop. Amarjit Singh @ Amru gave rod blow on his head and then Daman (petitioner no.1) also gave rod blow on his forehead and blood was started oozing out. Simran (petitioner no.2) gave Kirpan blow towards him, which hit the refrigerator. Then he opened the door and called his son Faize, then all the accused threatened him and fled away from the spot. After some time, the above said three persons along with 12-13 persons armed with rods, sticks came there and his cousin brother pulled down the shutter of his shop. The accused threw bricks on the shutter of his shop and thereafter went away. Reason for the grudge was that some boys after school hour stand near the Masjid and tease the girls. He stopped them from doing so.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply. Counsel for the complainant submits that they have no objection if bail is granted to the petitioner.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That as per the FIR, accused/petitioner no.1 Damanpreet Singh is alleged to have inflicted injury on the forehead of the injured namely, Akbar Ali, with his dasti rod. Thereafter, while fleeing from the place of occurrence, petitioner no.1 Damanpreet Singh along with other accused persons also pelted stones on the shutter of the shop of the complainant. As per MLR and the medical opinion of the injured/complainant, which is already placed on record in the present petition clearly shows that the injury no.1 which includes two lacerated wound on head and forehead reveals injuries which are grievous in nature and dangerous to life. Perusal of the FIR shows that the said injury is attributed to present petitioner no.1 Damanpreet Singh and the co-accused Amarjit Singh @ Amru.”

REASONING:

8. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Moreover complainant endorse his no objection to the bail petition as matter stands compromised between the parties.

CRM-M-35436-2024

9. Per paragraph 12 of the bail petition, the petitioner has been in custody since 19.03.2024. Per the custody certificate dated 27.03.2025, the petitioner’s total custody in this FIR is 01 year & 03 days.
10. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, victim compromised with the petitioner and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.
11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:
- | | | |
|----|--|--|
| 1. | AADHAR number | |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. | |
| 3. | Mobile number (If available) | |
| 4. | E-Mail id (If available) | |
14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
15. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.
16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense or the offence in which sentence is more than three years, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

CRM-M-35436-2024

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed qua petitioner No.1** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.04.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.