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

**CRM-M-36307-2024 (O&M)
Date of Decision:24.02.2025**

AVTAR SINGH ALIAS TAARI

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, with a prayer to grant regular bail to him in case FIR No.129 dated 24.08.2023, registered under Sections 307, 397, 323, 324, 460, 411 and 34 of IPC, Police Station Sadar Hoshiarpur, District Hoshiarpur.
2. The FIR in the present case was registered on the basis of the statement made by Harwinder Kaur and the same has been reproduced below:-



“Statement of Harwinder Kaur w/o Dilbag Singh r/o village Salwara near Singh Sabha Gurudwara PS Sadar District Hoshiarpur aged about 59 years mobile no. 8360529527. It is stated that My husband Dilbag Singh and my son Parwinder Singh both have gone abroad and I am having two daughters and both are married and I am living alone at my house. On dated 20.08.2023 at about 09:00 PM that I was sleeping at my house and my door-bell got rung and I came out and saw and opened the gate. There were two men and one woman at my gate regarding which I already knew that woman and one man. Name of woman was Pushpinder Kaur and name of the man is Avtar Singh Tari and one unknown man was accompanying them to whom I do not know. All of them entered my house and Avtar Singh @ Tari and the unknown person tied my arms towards backside and started beating me and both the men started enquiring about my ornaments and my money but I did not tell anything to them. Avtar Singh was carrying datar and he hit the datar on my head and also injured me at many parts and then I told that my purse is lying inside. Then Avtar Singh took out from my purse one set of gold ear-rings, gold chain alongwith khanda-locket and took out money lying in my purse which was kept for executing sale-deed (registry). Then they took out ring from my finger and my mobile phone of OPPO company and all the three persons looted all the house-hold articles and ran away. I can submit the bills of the gold ornaments. Later on the three persons threw me in the bathroom. I opened my arms and I called my neighbour lady Bobby. She came to me and I told her to call my son-in-law Parminder Singh. I told him everything and he came there in his car. My neighbour Bobby and my son-in-law took me in his car and got me admitted in Civil Hospital, Hoshiarpur. After giving first aid to me at Civil Hospital, Hoshiarpur, I was referred to DMC Hospital, Ludhiana. I am under treatment at DMC Hospital, Ludhiana. That I have recorded my this statement in the presence of my son Parwinder Singh at



DMC Hospital, Ludhiana. Legal action may please be taken against the above accused. Statement has been recorded, read and heard and found to be correct and submitted my MLR to you. Sd/- Harwinder Kaur, supported by Parwinder Singh.”

3. Learned counsel for the petitioner contends that the alleged occurrence had taken place on 20.08.2023, whereas the FIR in the present case was registered on 24.08.2023 i.e. after a delay of four days and the said time was utilized by the complainant in concocted a false version against the present petitioner. He has further placed reliance on the MLR of the complainant Annexure P-3 to contend that the complainant had suffered 5 injuries and only injuries No.1, 2 and 3 were declared as dangerous to life. However, now the complainant has already been discharged from the hospital long ago. The petitioner was arrested in the present case on 25.08.2023 and is in custody for the last more than one year and six months. He further contends that as per the allegations levelled by the complainant, the petitioner had allegedly, given a blow with a *datar* on the head of the complainant and the said injury has been declared to be dangerous to life. He further contends that co-accused Mandeep Singh and Pushpinder Kaur have already been granted the concession of bail by this Court. Apart from that, only one witness out of total 13 witnesses have been examined so far and further custody of the petitioner may not serve any useful purpose.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that 08 more cases have been ordered to be registered against the present petitioner.



However, he admits that all the cases were registered against the present petitioner under Sections 323, 324 IPC or 489-B, 489-C of IPC.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner was arrested on 25.08.2023 and is in custody for the last about one year and six months. The prosecution has been able to examine only 01 witness out of total 13 witnesses so far and the petitioner is not in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number,



he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

9. All other pending applications, if any, are also disposed off, accordingly.

24.02.2025
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(N.S. SHEKHAWAT)
JUDGE

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