

2025.PHHC.012889



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

233.

CRM-M-44914-2024 (O&M)

Date of decision: 28.01.2025

Gurbachan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

252.

CRM-M-61249-2024

Harnek Singh and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. G.K. Mann, Senior Advocate with
Mr. Anmol Jeevan Singh Gill, Advocate,
Mr. Adeep Sharma, Advocate, for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Kuljeet Singh Bal, Advocate, for one of the eyewitness.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners, in both the petitions, detailed hereinabove, are seeking the concession of regular bail under Section 483 of BNSS, 2023/439 of CR.P.C., in case FIR No.0046, dated 11.06.2023, under Sections 323, 324, 506, 148, 149 of IPC (Sections 326, 307 of IPC added lateron), registered at Police Station Ramdas, District Amritsar Rural.

Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by this common order.

Learned senior counsel for the petitioners has submitted that the petitioners, who have been in custody since 06.04.2024, have not been attributed any injuries, let alone life threatening injuries, to any member of the complainant party. It has been asserted that while the petitioners are alleged to have been armed with weapons (petitioner Gurbachan Singh with a datar, petitioner Harnek Singh with an iron rod and petitioner Surjit Singh with a datar), no specific injuries have been ascribed to them. It has been further argued that, even if the allegations in the FIR are presumed to be true, though not conceded, the role attributed to the petitioners in the occurrence in question is minimal.

Learned senior counsel has further highlighted that the petitioners have no previous criminal antecedents. The challan was presented on 24.09.2023 and charges framed thereafter, however, till date, only 02 out of the 14 prosecution witnesses have been examined, therefore, the trial is likely to be protracted.

Learned senior counsel has, therefore, prayed that in the given facts and circumstances and in the light of no injuries attributed to the petitioners, their further incarceration would serve no useful purpose and hence, they be admitted to bail.

Per contra, learned State counsel assisted by the counsel appearing on behalf of one of the eyewitnesses, has opposed the prayer

made by the counsel opposite. It has been argued that the petitioners were part of an unlawful assembly which inflicted injuries on the complainant party, arising from longstanding strained relations. It has been further argued that on a previous occasion, the petitioners after being extended the concession of anticipatory bail, had misused the said concession and had extended threats to the complainant party also.

Learned counsel appearing on behalf of one of the eyewitnesses has submitted that due to the threats, the complainant was provided with police protection.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioners, although alleged to have been armed with weapons, have not been attributed with causing any specific injuries to the complainant or other injured persons. The injuries sustained by the complainant and Major Singh have been attributed to co-accused Sarabjit Singh alias Sebu and Ravinder Singh alias Ravi.

The petitioners have been in custody since 06.04.2024 and the trial has not made much progress with only 02 out of the 14 prosecution witnesses, including the complainant having been examined so far.

Given the minimal role attributed to the petitioners, the absence of specific injuries attributed to them, their custody period and the likelihood of the trial taking considerable time to conclude, further incarceration of the petitioners would serve no useful purpose.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

Accordingly, the instant petitions are allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 28, 2025
sanjeev

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