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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-51519-2023 (O&M)
Date of Decision:- 19.02.2025

HARPREET SINGH

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. G.B.S. Dhillon, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
172	14.11.2021	302, 323, 506, 34 IPC	Sadar Jagraon, Police District Ludhiana Rural

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner in the alleged occurrence and even as per the FIR, no injury is stated to have been caused by the petitioner either to the deceased or to the injured and the only role attributed to the petitioner is of grappling the deceased from back. He



submits that the petitioner is in custody since 22.11.2021 and the petitioner is not having any criminal antecedents. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition by arguing that although no injury is alleged to have been caused by the petitioner in the occurrence, but he is stated to have caught hold of the deceased, during the occurrence, thus prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

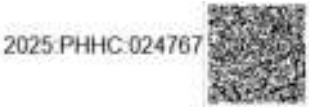
5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the statement of the complainant-Ravinderjit Singh alleging that on 13.11.2021, he along with his brother Randeep Singh had gone to attend a birthday party of their friend Harpreet Singh s/o Chamkaur Singh, where the petitioner along Mandeep Singh, Lakhvir Singh, Hussanpreet Singh were already present in his house. After cutting the cake, all of them went outside to have some food, where they also took liquor. Co-accused Mandeep Singh was asked to give his old mobile phone to Harpreet Singh s/o Chamkaur Singh, as a birthday gift, however, in a spur of moment, a fight took place and co-accused Mandeep Singh took out a knife from his pocket and raised lalkara, on which the brother of complainant, Randeep Singh came forward and tried to take away the knife, but the petitioner grabbed his brother from behind, and in the meanwhile, co-accused Mandeep Singh gave knife blow on the right arm pit of Randeep Singh, as a result of which, he fell down. Thereafter the co-



accused Mandeep Singh gave another knife blow to the complainant on his back, followed by another knife blow in the abdomen of Lakhvir Singh and thereafter both the petitioner and co-accused Mandeep Singh ran away from the spot. The injured was shifted to the hospital, where Randeep Singh succumbed to the injuries and accordingly the FIR was registered and the petitioner was arrested and after the completion of investigation, challan has been presented in the Court.

6. After considering the rival contentions and perusing the record, It is observed that the petitioner, having no criminal antecedents, is in custody since 22.11.2021 and even as per the allegations, no injury has been caused by the petitioner either to the deceased or to the injured in any manner. As per the allegations, the only role attributed to the petitioner is of having caught hold of the deceased during the occurrence. As stated above, challan has already been presented in the Court and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.



8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

19.02.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No