

CRM-M-52943-2024

2025:PHHC:027177



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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

(287)

**CRM-M-52943-2024 (O & M)
Date of Decision:-25.02.2025**

Bachittar Singh Chandpuria

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Prateek Pandit, Advocate, for the Petitioner.

Mr. Iqbalpreet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of regular bail in case FIR No.16 dated 24.01.2024 under Sections 307, 323, 325, 120-B IPC (offence under Section 34 IPC deleted and offence under Section 120-B IPC added later on) registered at Police Station Division No.8, District Jalandhar.

2. The present FIR came to be registered at the instance of Om Parkash @ Omi and reads as under:-

“Statement of Om Parkash @ Omi son of Chaman Lal R/o village Talwara P.S. Adampur District Jalandhar Rural aged about 45 years. Stated that I am resident of above address and do work of making Bus Bodies and work at Amar Body Builder near Chugitti bye pass. For last about 15 days one person namely Shaga who works in Guru Nanak Body Builder, Pathankot Road used to repeatedly call me from his mobile No.



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94662-87488 on my phone No. 76528-69381 and asked me to come to their work shop for some work. On 20.01.2024 at about 6:00 PM I went to Guru Nanak Body Builder on my motorcycle bearing No. PB-08-EJ-1174 make CT 100. There I went inside and talked to Shaga. At that time, Bachittar Singh Chandpuria resident of Fattupur Dhirowal, Jalandhar was also present there and my motorcycle was parked outside the workshop. When I came outside the workshop then Bachittar Singh Chandpuri also came outside the main gate and he was having an Iron Datar in his right hand and his motorcycle No. PB-07-R-9757 was also standing there. He attacked me with his datar and with an intention to kill hit me with the datar on the right side of my head. I started bleeding. Then Bachittar Singh gave second blow with his datar which hit on the right side of my head above my ear near the neck. I raised alarm Mar Ditta Mar Ditta. Then Bachittar Singh gave third blow with his datar which hit on my upper lip towards the right side. On hearing my noise some persons came from inside the work shop and Bachittar Singh Chandpuria on seeing them ran away while leaving his motorcycle No. PB-07-R-9757 at the spot and also throwing the datar at the spot. Then I from my mobile No. 76528-69381 called my brother-in law Husan Lal Parveen son of Pritam Dass R/o Kot Ramdas Abadi, Jalandhar. Before those two workers of Guru Nanak Body Builder took me to Janta Hospital, Pathankot Road where they did not admit me. Then my brother-in-law Husan Lal reached there and after arranging for a vehicle got me admitted to Civil Hospital, Jalandhar where I am under treatment. Shaga has got me beaten up by calling me to Guru Nanak Body Builder Workshop and Shaga and Bachittar Singh Chandpuria were having conspiracy with each other. Legal action be taken against them. I have heard my statement and cause of fight is that Shaga told Bachittar Singh that your wife is having affair with Om Parkash and on this



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suspicion, Bachittar Singh has caused injuries to me. I came to know this later. Compromise was not affected. Action be taken. Sd/- Om Parkash 76258-69381 attested Jagdish Lal SI PS Div No. 8 dated 24.01.2024.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The complainant-Om Parkash @ Omi has been examined as PW-1 and has not supported the prosecution case. Similarly, Surjit Kumar has been examined as PW-2 and he has also not supported the case having turned hostile. As the petitioner was in custody since 30.01.2024 but only 02 of the 19 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, concedes that the petitioner was in custody since 30.01.2024 and that only 02 of the 19 prosecution witnesses had been examined so far and the said two prosecution witnesses who are the material witnesses have turned hostile, not having supported the prosecution version.

5. I have heard the learned counsel for the parties.

6. Admittedly, two material prosecution witnesses including the injured witness have turned hostile. Whether the remaining evidence is sufficient to inculcate the petitioner and his accused shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody



since 30.01.2024 but only 02 of the 19 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not required.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-Bachittar Singh Chandpuria is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 25, 2025
sukhpreet

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