



CRM-M-65527-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65527-2024 (O&M)
Date of Decision: 13.01.2025

RANJIT SINGH ALIAS BIHARI

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul, Advocate,
Mr. Rohit Sharma, Advocate and
Mr. Lupil Gupta, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.70 dated 15.07.2020, registered for the offences punishable under Sections 379-B, 325, 323, 148 and 149 of IPC at Police Station Balianwali, District Bathinda.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Copy of statement, statement of Gurdit Singh S/o Gurbachan Singh S/o Nachattar Singh cast Jat R/o Bhunder aged about 25 years Mob xxxxxx stated that I am resident of above said address and an agriculturist. On dated 11.07.2020 at about 09:00 PM, I was going back to my home on my bike from Govt school of my village after doing gym. At Bhairo Chowk of my village where lights were on I had seen Bihari Singh armed with iron rod, Ghuka Singh sons of Gurdial Singh armed with Ghope of iron. Nikka Singh S/o Tete Singh armed with Kassian Iron, Dadde Singh S/o Janta Singh armed with axe iron and Makhi Singh S/o unknown and some unknown persons were standing there. Gopal Singh S/o Gurdial Singh armed with stick and raise Lalkara that Gurdit Singh be tough a lesson for made allegations of snatching purse. On hearing so Bihari Singh had given two blows of iron rod on my head which hit on left side and right side of my head. I fell down from my bike. Nikka Singh given blow Kassian iron on my left leg due to which my leg fracture. Ghukka Singh given iron

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ghope blow on my right leg due to which my leg got fracture and Gopal Singh given blow stick on my right arm. In the meantime Dadde Singh told that his legs are yet to be fracture than Dade given blow iron axe on my right knee and Mukhi Singh given blow sticks on my back while I was fell on the ground. I raise alarm and people gathered there after seen gathering all accused ran away from the spot along with their respected weapons by taking to my bike bearing No. PB-03-AY-3723, Mobile Samsung, Purse Containing Rs. 8000/-. My father Gurbachan Singh reached on the spot when he came to know. Due to Injuries he arrange vehicle and got admitted me at Civil Hospital at Rampura. I was referred to Civil Hospital, Bathinda. I am under treatment cause of enmity is that someday ago I lost my purse containing Rs. 6000/- some was recovered from Gopal Singh due to this grudge they inflicted injuries to me with common intention they took my bike, Samsung mobile and my purse. Action be taken against them. Statement, recorded, heard and found correct. Sd/-Gurdit Singh.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 16.07.2024. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated into the FIR in question. It has been iterated by learned counsel for the petitioner that the petitioner has been attributed only simple injury & co-accused-Harjinder Singh @ Ghuka Singh, who has been attributed the grievous injury, has been granted the concession of regular bail by this Court vide order dated 13.07.2021 passed in CRM-M-5787-2021. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 16.07.2024 whereinafter investigation was carried out qua the petitioner & challan was presented on 11.09.2024. Total 11 prosecution witnesses have been cited out of which 8 stand examined. It is not in dispute that all the private prosecution witnesses

have been examined. The rival contention of the learned counsel for the

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parties; as to whether the petitioner has been falsely implicated into the FIR in question as also the exact role of the petitioner into the alleged incident and the evidence available against him; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per the custody certificate dated 12.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 05 months and 26 days. As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477*** & judgments of this Court in ***CRM-M-38822-2021*** titled as ***Akhilesh Singh vs. State of Haryana***, decided on 29.11.2021 and ***Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191***. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

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7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the

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State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

13.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No