

CRM-M-1032-2025 (O&M)

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

2025:PHHC:067554



**CRM-M-1032-2025 (O&M)
DATE OF DECISION : 20.05.2025**

GURBAGH SINGH ALIAS GURBAG SINGH	... PETITIONER
V/S	
STATE OF PUNJAB	... RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Taranjit Kaur Hundal, Advocate &
Ms. Harnaaz Kaur Hundal, Advocate for the petitioner.

Mr. J.S.Arora, DAG Punjab.

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RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present 2nd petition praying for grant of regular bail in case FIR No.120 dated 30.10.2019 under Sections 307, 323, 324, 451, 427, 336, 506, 148, 149 IPC along with Sections 20, 25 of the Arms Act, 1959 registered at Police Station Lohian, District Jalandhar Rural, Punjab.

2. Succinctly, facts of the case are that the FIR in the present case has been lodged on the statement of Lal Masih. It was alleged that he was running a meat shop and on 29.10.2019 at about 8.30 P.M. when he was in his shop, then Harvinder Singh, Kamaljeet Singh, Gopi @ Gurpreet, Lovepreet @ Labha, Sukha (present petitioner) along with several other unknown persons armed with datars and kirpans forcibly entered his shop and started hitting at the counter with daatars. Gurpreet Singh hit him on his head with daatar. However, he raised his hand and daatar landed on his fingers and thumb. Thereafter, Sukha attacked him with daatar on his right

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arm. The other co-accused also gave blow with their respective weapons. On raising alarm, they all escaped from the scene of occurrence along with the weapons. Thus, request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 13.02.2020. He approached the learned trial Court praying for grant of regular bail and he was released on bail by the trial Court vide order dated 22.05.2020. However, he was declared proclaimed offender on 12.10.2022 and thereafter, on 22.05.2024 he was re-arrested in the present case on production warrants as he was already lodged in the jail in the some other case. Thereafter, he again approached the learned trial Court praying for grant of bail. However, the same was declined by the learned Addl. Sessions Judge, Jalandhar vide order dated 02.08.2024. Aggrieved, the petitioner had approached this Court by way of filing CRM-M-46129-2024 but the same was allowed to be withdrawn as not being pressed vide order dated 05.11.2024. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. She submits that the petitioner has been alleged to have given a fatal blow on the hand of the complainant. However, the injury does not fall under Section 307 IPC and thus, the petitioner was granted bail by the trial Court vide order dated 22.05.2020. She submits that as the COVID-19 pandemic was prevailing at that time, the petitioner remained unaware about the proceedings of the Court, thus, erroneously he was declared proclaimed offender vide order dated 12.10.2022. She submitted that petitioner was re-arrested in the present case on 22.05.2024 and since then,

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he is behind the bars. It is submitted that no prima facie case under Section 307 IPC is made out against the petitioner. She further submits that though the petitioner is prosecuted in other cases as well but he is on bail in those cases.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender. Even after having been granted bail, he was declared proclaimed offender and thus, his bail was rightly declined by the learned trial Court. He submits that out of total 19, no prosecution witness has been examined till date. On instructions, he submits that out of total 06 accused, 04 accused are already on bail. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner was granted bail by the trial Court vide order dated 22.05.2020. However, thereafter, he was declared proclaimed offender vide order dated 12.10.2022. There is no denial of fact that the petitioner was granted bail on 22.05.2020 when the COVID-19 pandemic was prevailing. The petitioner has been alleged to have given a datar blow on the hand of the complainant. However, the injury did not fall under Section 307 IPC. He is behind the bars since the date of his arrest. As reflected from the custody certificate, the petitioner has suffered incarceration of 01 year 01 month & 27 days as on 19.05.2025. Though, he is involved in some other cases but he is on bail in those cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from

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commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.05.2025

Janki

(RAJESH BHARDWAJ)
JUDGE

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