

Hardeep Singh @ Todha versus State of Punjab

Present: Shri H.S. Janjua, Advocate, counsel for applicant/accused.
Shri Vikram Kashyap, Additional Public Prosecutor for the
State with SI Satnam Singh.
Shri Gagandeep Saini, Advocate, counsel for complainant.

1. The applicant/accused Hardeep Singh @ Todha son of Guriqbal Singh @ Iqbal Singh @ Kala has sought bail under Section 439 Cr.P.C. in the case arising out of FIR No.45 dated 21.06.2023 under Sections 341, 326, 325, 324, 323, 427, 506, 148, 149 IPC, registered at Police Station Bhaini Mian Khan.

2. Heard. The facts of this case as noticed by this Court while dealing with pre-arrest bail application of applicant/accused are as mentioned below :-

“The FIR in this case has been got registered by Sukhwinder Singh, who is father of injured Jagmeet Singh. As per his version, injured Jagmeet Singh had left the house for his fields on 21.06.2023 at about 5:00 p.m. Complainant was following his son on the motorcycle. When Jagmeet Singh was about 1/2 km short of village Chak Sharif, two cars make Swift and Duster reached there. Accused Hardeep Singh, Balkar Singh, Ramandeep Singh, Vicky, Monas Masih and Jony Masih had disembarked from the said cars, after the swift car had hit into the motorcycle of Jagmeet Singh and he had fallen down. They had taken out sharp edged weapons from the said cars and assaulted Jagmeet Singh. Jagmeet Singh received multiple injuries in the occurrence. As per medico legal report of Jagmeet Singh, seven injuries were found on his person and out of those injuries, six injuries have been caused with sharp edged

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weapons. Injuries no.1 and 5, which are on his left leg and right forearm have been declared grievous in nature. The motive behind the occurrence is that Jatinder Singh, the elder son of the complainant, has got married with the sister of accused Hardeep Singh against the wishes of Hardeep Singh and other members of his family.

3. It would be pertinent to mention here that injury no.1, which has been declared grievous in nature is on the right leg of the injured but in the previous order it was inadvertently mentioned that same is on the left leg of the injured. The statement of injured Jagmeet Singh has been recorded by the Investigating Officer on 15.07.2023. As per the details of the incident given by injured, accused/applicant Hardeep Singh was armed with dattar and three injuries are attributed to him. Grievous injury on the right leg of the injured has also been attributed to accused/applicant Hardeep Singh.”

3. The applicant/accused surrendered before the learned Ilqa Magistrate on 08.08.2023. He has already undergone custodial interrogation and has been remanded to judicial custody.

4. The learned counsel for the applicant/accused submits that the applicant committed the offence under the provocation as his sister got married with the brother of the injured against the wishes of their family and thereafter the complainant party announced the said marriage on the beat of drum in the village fair. He has argued that the applicant/accused is aged about 22 years and has not been involved in any other case. He has prayed for grant of bail to the applicant/accused.

5. On the other hand, the learned Additional Public Prosecutor and learned counsel for the complainant have argued that the allegations against the applicant/accused are quite serious. The applicant/accused and his companions caused injuries to injured Jagmeet Singh as his brother has got married with the sister of the applicant/accused. They had attacked the injured in brutal manner. The applicant/accused was armed with a datar and grievous injury is attributed to him. They submitted that in these circumstances, the applicant/accused should not be granted bail.

6. After giving anxious thoughts to the rival submissions and going through the record of the case, this Court is of the considered view that it would be proper to grant bail to the applicant/accused as he is in custody for about 1-½ month. The challan has not been presented so far. The presentation of challan and disposal of the case will take time. No useful purpose would be served by further detention of the applicant/accused. Keeping in view the entire facts and circumstances, the instant application is allowed and the accused/applicant is ordered to be released on bail on furnishing of bail bonds in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of Ilaka/Duty Magistrate, but he shall remain bound by the following conditions:

- (i) that the accused/applicant shall make himself available at Police Station Bhaini Mian Khan on every Monday to get his presence marked there. The accused/applicant shall furnish his mobile number with IMEI number of his mobile set to the SHO and will

keep his GPS location open and shall not switch off his mobile phone at any stage;

- (ii) that the accused/applicant shall not leave the country without the prior permission of the Ilaqa Magistrate till presentation of challan and thereafter without the permission of the trial Court;
- (iii) that the accused/applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iv) that the accused-applicant shall regularly attend the hearings before the trial Court; and
- (v) that the accused/applicant shall continue to cooperate with the investigating agency.

In case the accused/applicant misuses the concession of bail by absenting from the proceedings or committing the breach of any condition of the bail order, the trial Court shall be at liberty to cancel this bail order. Copy of this order be sent to the Court of concerned Ilaqa Magistrate as well as SHO, Police Station Bhaini Mian Khan. The instant file be consigned to the record room.

Pronounced :
25.09.2023
(*Vinay*)

Rajinder Aggarwal)
Sessions Judge, Gurdaspur.
(UID No.PB00048)