

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 209

Criminal Miscellaneous No.M-16761 of 2015 (O & M)

Date of Decision: May 26, 2015

Amrik Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Ms. Ishma Randhawa, Advocate, for the petitioner.

Mr. Jaspreet Singh Sekhon, Assistant Advocate
General, Punjab.

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Jaspal Singh, J (Oral)

1. This is a petition under Section 439 Cr.P.C. preferred by Amrik Singh, seeking bail in case FIR No.119 dated August 16, 2014, under Sections 307, 323, 324, 148, 149 IPC, registered with Police Station, Goindwal Sahib, District Amritsar.
2. Briefly stated, contents of FIR are that on August 11, 2014 at about 9:30 PM, Amrik Singh (petitioner) equipped with Baseball bat, accompanied by his sons Gurbinder Singh @ Gindi and Bikramjit Singh

@ Manna, armed with Dang & Kirpan; Sarabjit Kaur armed with a Dang; Kulwinder Singh @ Bhunda armed with a Kirpan alongwith his brother Balwinder Singh @ Binda, barged into the land belonging to complainant – Gursharan Singh with a view to take its forcible possession by raising construction of a wall thereon. Amrik Singh exhorted to the effect that Gursharan Singh be caught hold and taught a lesson for not allowing them to take possession. He also wielded his Baseball bat hitting on right shoulder of Kuljit Singh. Sarabjit Kaur and other persons accompanying Amrik Singh also caused injuries.

3. Undisputably, it is a version and cross-version case as both the parties sustained injuries at the hands of each other. It is yet to be established as to which of the parties was aggressor. Moreover, injuries attributed to the petitioner fall within the ambit of Section 323 IPC. Even otherwise, petitioner was arrested on March 19, 2015 and subjected to custodial interrogation. No recovery is to be effected from him. At present, he is in judicial lock up. Since the date of his arrest, he is suffering incarceration. Presentation of challan as well as disposal thereof will take sufficient long time.

4. Taking into consideration all aspects of the case but without expressing any opinion on merits, this Court is of the considered view that it is a fit case to exercise discretion under Section 439 Cr.P.C. Accordingly, petition is allowed.

5. Bail to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned.

6. While parting with order, it is made explicit that anything observed in this order shall have no bearing on merits of the main case and observation, if any made, shall remain limited to disposal of this petition.

May 26, 2015
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(Jaspal Singh)
Judge