

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-37284 of 2014
Date of Decision: - 20.02.2015

Gurnaib Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. K.S. Brar, Advocate, for the petitioner.

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.**

Mr. K.B.S. Mann, Advocate, for the complainant.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of regular bail, in a case registered against him along with his other co-accused Sikander Singh, Harbans Singh and others, vide FIR No.101 dated 07.07.2014, on accusation of having committed the offences punishable under Sections 324, 323, 148 and 336 read with Section 149 IPC (the offences punishable under Sections 307 and 120-B IPC were later on added), by the police of Police Station Nathana, District Bathinda.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration

of the entire matter, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter-alia*, claimed that on 05.07.2014 all the accused caused injuries to complainant Gurjant Singh and injured PWs Nasib Kaur, Jasvir Kaur and Sandeep Kaur, with their respective weapons. The petitioner was stated to have caused a single blow from reverse side of '*gandasa*' on the person of Nasib Kaur. He did not repeat the injury. Even the medical opinion, with regard to nature of injury "dangerous of life", is not available on police file. Above-all, it is a case of version and cross-version, in which, petitioner-Gurnaib Singh has also suffered seven injuries on his person, at the hands of complainant party. Which of the party was the aggressor and as to whether the penal provisions of Section 307 IPC, is attracted to the facts, relatable to the case of petitioner, *inter alia*, would be the moot points to be decided during the course of trial, after acceptance of the evidence, by the trial Court.

5. Moreover, the petitioner was arrested on 27.08.2014. Since then, he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous conviction in any other criminal case. Even, since the charges have not yet been framed against the accused, so, the final conclusion of trial will naturally take a long time.

6. Not only that, Harbans Singh and Noora Khan, co-accused of the petitioner, were granted the benefit of concession of anticipatory bail, by means of order dated 04.12.2014 in CRM-M No.37269 of 2014, by a

Coordinate Bench of this Court (Jaishree Thakur, J.). Sequelly, Sikander Singh, another co-accused, was granted the concession of pre-arrest bail, by virtue of order dated 20.02.2015 in CRM-M No.37270 of 2014, by this Court. Therefore, I see no reason not to grant the concession of regular bail to the present petitioner under the same set of circumstances as well.

7. In the light of aforesaid reasons, taking into consideration the totality of peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits in the trial of the main case, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail only.

February 20, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE