

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.43597 of 2015 (O&M)
Date of Decision: 20.01.2016**

Sucha Singh

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vas Dev Bahl, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Rachpal Singh.

Mr. Gursimran Singh, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

The prayer in the present petition on behalf of the petitioner/accused-Sucha Singh is for grant of regular bail in the cross-version recorded as Rapat No.37 dated 31.03.2015 on the statement of injured-Gurjit Singh for the commission of offences punishable under Sections 452, 323, 324, 325, 148 and 149, IPC (Section 302, IPC added later on) in FIR No.47 dated 31.03.2015, under Sections 323, 324, 148 and 149, IPC (Sections 307 and 325, IPC added later on), registered with Police Station Lopoke, Amritsar Rural (**Annexure P-1**) on the statement of the complainant-Gurlal Singh.

The dispute had occurred between the parties on 29.03.2015 at 7:30 PM over the lifting of sand from the joint land near the Well.

On account of the said occurrence, the aforesaid FIR was lodged at 8:30 PM on 31.03.2015 by Gurlal Singh i.e. brother of the non-applicant/co-accused-Pritam Singh. In the FIR, it was alleged that Surjit Singh armed with a *Datar*, Jagir Singh armed with a *Dang*, Sukhwinder Singh @ Sukha armed with a *Dang* had inflicted injuries on the person of the

complainant at the stated places. Rest of five accused were also attributed their roles. It is admitted that 05 out of the said accused are on pre-arrest bail whereas 02 accused, namely, Mahain Singh and Jagir Singh have been arrested and are in jail. 8th accused-Surjit Singh subsequently died on 06.04.2015 in the hospital.

In the cross-version, it was stated that Gajjan Singh armed with a *Datar*, Paramjit Singh @ Pamma armed with a *Datar*, Anoop Singh armed with a *Kirpan*, Gurlal Singh armed with a *Datar*, Sucha Singh (present petitioner) armed with a *Datar*, Pritam Singh armed with a *Dang* had inflicted injuries on the injured/complainant-Gurjit Singh and his two brothers, namely, Surjit Singh and Baljeet Singh and his cousin- Amritpal Singh. Initially, the aforesaid six accused were booked under Sections 323, 324, 325, 452, 148 and 149, IPC, however, due to the subsequent death of Surjit Singh on 06.04.2015, the offence under Section 302, IPC was also added.

In the present cross-version case, the role attributed to the present petitioner-Sucha Singh is of inflicting a *Datar* blow on the head of Amritpal Singh, which injury was opined to be simple in nature.

It is contended that being a version and a cross-version case, it is yet to be determined as to who is the aggressor and that three persons from the side of the petitioner have also received injuries including on the head and one of the injury on accused-Subeg Singh has been opined to be dangerous to life.

It was next contended that both the injuries (even as per the MLR and PMR) have been attributed to the non-applicant/co-accused-Gurlal Singh with his *Datar* on the head and ear of Surjit Singh (since deceased).

The petitioner is stated to be in custody since 19.04.2015. The challan has been presented and the evidence of the prosecution is yet to commence.

Learned State Counsel, assisted by ASI Rachpal Singh, is unable to refute the factual position regarding the custody period, attributed role and that prosecution evidence is yet to commence.

Without commenting on the merits of the case, keeping in view the aforesaid facts; custody period; the simple injury attributed to the petitioner and the fact that the trial is not likely to be concluded in near future, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

January 20, 2016

Gagan

(JASWANT SINGH)

JUDGE