

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

CRM-M No. 5227 of 2016 (O&M)

Date of Decision: 18.02.2016

Paramjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. V.D. Bahl, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, AAG, Punjab
for the respondent/State assisted by ASI Rachpal Singh.

JASWANT SINGH, J. (ORAL)

Prayer in the present petition on behalf of the petitioner/accused-Paramjit Singh is for grant of regular bail in FIR No. 47 dated 31.03.2015, under Sections 302, 452, 323, 324, 325, 148 and 149 of the Indian Penal Code, registered with Police Station Lopoke, District Amritsar (**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 persons were

also attributed their roles. It is admitted that five out of the said accused persons are on pre-arrest bail whereas two accused persons, namely, Mahain Singh and Jagir Singh have been arrested and are in jail. Eighth 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 (present petitioner) armed with a *Datar*, Anoop Singh armed with a *Kirpan*, Gurlal Singh armed with a *Datar*, Sucha Singh 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 case/FIR, the role attributed to the present petitioner-Paramjit Singh is of inflicting a *Datar* blow on the head of complainant-Gurjit Singh (in cross-version case), which injury is 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 is further contended that similarly placed co-accused/non-applicants-Sucha Singh and Pritam Singh in the cross-version case have since been granted regular bail by this Court vide order dated 20.01.2016.

It was next contended that both the injuries (even as per the MLR and PMR) have been attributed to the complainant-

Gurlal Singh with his *Datar* on the head and ear of Surjit Singh (since deceased).

The petitioner is stated to be in custody since 08.04.2015. 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 of the petitioner, attributed role and that prosecution evidence is yet to commence. He further concedes that co-accused/non-applicants-Sucha Singh and Pritam Singh in the cross-version case have since been granted regular bail by this Court vide order dated 20.01.2016.

Without commenting on the merits of the case, keeping in view the aforesaid facts; custody period of the petitioner; 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 Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Disposed of.

February 18, 2016

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**(JASWANT SINGH)
JUDGE**