

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M- 10744 of 2017
Date of Decision: 24.07.2017

Yadwinder Singh @ Gogi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Preetinder S. Dhaliwal, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. B.S. Jatana, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.70 dated 12.10.2016 registered for offences punishable under Sections 302, 307, 324, 341 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Bhadaur, District Barnala.

Heard.

As per version in the FIR, the occurrence took place on 11.10.2016 at about 07.30 p.m. The petitioner alongwith his sons, namely, Satbir Singh @ Rana and Gurmeet Singh @ T.C. caught complainant and his brother-Hardeep Singh and caused them injuries with their respective weapons. Gurmeet Singh @ T.C. was armed with sharp edged weapon like knife and Satbir Singh @ Rana with base ball bat. The petitioner was armed with a *dang*. Hardeep Singh died due to injuries suffered by him while being taken to hospital at Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been implicated as he is father of Satbir Singh @ Rana and Gurmeet Singh @ T.C. As per version in the FIR, he was having a blunt weapon and in the PMR of deceased there is no mention of injury with blunt weapon which proved fatal. All the injuries were caused by sharp edged weapons or there were abrasions.

Learned State counsel assisted by learned counsel for complainant submits that though in the FIR weapon attributed to petitioner is *dang* but in the supplementary statement of complainant recorded on 12.10.2016 he has stated that the petitioner was having *gandasi* in his hand with which he caused injury on the head of complainant. He has, however, not been attributed any injury with sharp edged weapon caused to the deceased.

The petitioner was arrested on 13.10.2016 and is in custody since then. In the FIR, the weapon attributed to the petitioner is *dang* while in the supplementary statement recorded on the next date, may be after conducting post-mortem, complainant changed his statement and stated that petitioner was having a *gandasi* in his hand with which he caused injury on the head of the deceased. Even in his supplementary statement, complainant had not attributed any injury caused by petitioner with sharp edged weapon to the deceased. The variation in the first version of the complainant and in his supplementary statement is a point to be seen and decided by the trial Court on the basis of evidence produced by prosecution.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-

Yadwinder Singh @ Gogi is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

July 24, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No