

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

**CRM-M No.13865 of 2017 (O&M)  
Date of Decision: 24.05.2017**

**Satnam Singh and another**

**.....Petitioners**

**Vs**

**State of Punjab**

**....Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. P.S. Ahluwalia, Advocate  
for the petitioners.

Mr. Shilesh Gupta, Addl. A.G., Punjab.

Mr. A.S. Rai, Advocate  
for the complainant.

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**RAJ MOHAN SINGH, J.**

[1]. Petitioners seek grant of regular bail in case bearing FIR No.183 dated 17.11.2016 registered under Sections 307, 341, 323, 324, 325, 326, 356, 182, 192, 193, 194, 211, 506, 148, 149, 120-B, 201 IPC and under Sections 25, 27, 54, 59 of the Arms Act at Police Station Sadar Samana District Patiala.

[2]. Brief facts are that the FIR was registered at the instance of complainant Khem Singh, wherein he had alleged that he was assaulted by the accused persons. The complaint

was made for registration of case against Gursewak Singh, Randhir Singh, Jasvir Singh, Lakhwinder Singh, Gurjit Singh, Gurvinder Singh, Soni, Hardev Singh, Gurpreet Singh, Amarjit Singh @ Ambi, Darshan Singh, Gurmeet Singh, Amandeep Singh and Kulwinder Singh. The complainant alleged that he was the Sarpanch of the village Fateh Majri and had taken one acre of land from Prabhjot Kaur and Harvinder Kaur and had sown *chari* in it. He had gone for a round near the field, when he reached there at about 1.00 p.m. in the noon, Gursewak Singh armed with 12 bore gun, Jasvir Singh and Lakhwinder Singh armed with iron rods, Randhir Singh, Gurjit Singh and Gurvinder Singh armed with *gandasa*, Soni armed with iron rod, Hardev Singh, Gurpreet Singh, Amarjit Singh @ Ambi and Darshan Singh armed with 12 bore guns, came there on motorcycles and jeep. On reaching there, Gursewak Singh exhorted and said complainant may not leave and be caught. Thereafter Gurvinder Singh attacked with backside of *gandasa* on the forehead of the complainant. The complainant fell down, then Gurjit Singh caught hold of left arm and Hardev Singh caught hold of right arm of the complainant. Amandeep Singh and Kulwinder Singh held his left legs and Gurpreet Singh and Amarjit Singh @ Ambi held his right leg. Gursewak Singh inflicted gun's butt blow on the left arm of the complainant and broke the same. Darshan

Singh broke his right arm by hitting gun's butt. Gurmeet Singh inflicted iron rod blow on the right leg and broke the same. Soni broke his left leg by iron rod. Jasvir Singh had attacked with iron rod on his shoulder. Sukhwinder Singh attacked with iron rod on the left upper arm of the complainant. Randhir Singh held the complainant by his hair. On raising alarm, Jasvir Singh, who came to the spot was also surrounded by the accused and injuries were caused to him. When the complainant tried to make a call with his right hand, then Gursewak Singh snatched the phone from his hand along with 5 *tolas* of gold *kara* which the complainant was wearing in his right hand. When the family members of the complainant were seen coming, the accused sped away from the spot along with their respective weapons on their vehicles while giving threats to the complainant.

[3]. Learned counsel for the petitioners submitted that bare perusal of the FIR does not reveal name of the petitioners, nor any overt act has been attributed to them. The allegations have been levelled against the named persons. No injury has been attributed to the petitioner. Petitioners have been implicated on the basis of supplementary statement wherein allegations have been made that the petitioners were instrumental in doing the *reki* of the complainant party and they provided the information to the accused party regarding whereabouts of the complainant.

The supplementary statement was recorded on 17.11.2016 itself, wherein it was recorded that Satnam Singh and Kaka Singh had fully conspired with the accused as they had seen the complainant on *katcha rasta* while going to village Achraal Khurd and on seeing him alone, they had informed to Gursewak Singh and others.

[4]. Learned counsel further submitted that on the basis of supplementary statement the accusation against the petitioners has been made in respect of conspiracy in terms of Section 120-B IPC. The complainant has concealed the origin and genesis of the occurrence by suppressing the injuries on the person of the petitioners. The petitioners have also received injuries as per MLR dated 17.11.2016 itself. Petitioner No.1 received four injuries including incised wound and complain of pain, which were kept under observation. Similarly petitioner No.2 also received four injuries including the injury No.2 to be incised wound and the injuries were kept under observation. Petitioner No.1 had suffered grievous injury as per medico legal report as part of his finger was missing. No cross case was registered by the Police, rather the provisions in terms of Section 182, 192, 193, 194 IPC were resorted against the petitioners.

[5]. Learned counsel also submitted that the ingredients of

offence under Section 307 IPC are missing inasmuch as the injuries suffered by the complainant were declared to be grievous in nature. All injuries endangering life would be grievous hurt in terms of Section 326 IPC unless and until opinion of the Doctor is given declaring the injuries to be sufficient to cause death in ordinary course of nature.

[6]. By referring to the proceedings of Medical Board constituted in case of re-examination of the complainant, learned counsel pointed out that the complainant did not appear before the Board on 11.04.2017. No police official appeared before the Board despite repeated reminders on 24.03.2017, 30.03.2017, 06.04.2017 and last opportunity was given on 11.04.2017. No police personnel brought the complainant before the Board and, therefore, Board in its opinion dated 11.04.2017 opined that the injuries and their site even collectively do not amount to any danger to the life of the complainant regarding his injury status. The aforesaid information was obtained by the petitioners by the process of Right to Information Act.

[7]. I have heard learned counsel for the parties.

[8]. Since, the petitioners have been arrayed as accused of alleged act of doing *reki* in the supplementary statement of the complainant and challan has already been presented, therefore,

at this stage, without adverting to the merits of the case, I deem it appropriate to grant concession of regular bail to the petitioners, who are in custody for the last five months.

[9]. In view of above, petition is allowed. Petitioners are ordered to be enlarged on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

[10]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 24, 2017

*Atik*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No