

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

CRM-M No. 30428 of 2017

DATE OF DECISION :- October 11, 2017

Joginder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CRM-M No. 31902 of 2017

Saraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. G.S. Sandhu, Advocate for the petitioner(s).

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Vide this order, I propose to dispose of two petitions for grant of regular bail i.e. CRM-M No. 30428 of 2017 filed by Joginder Singh and Deepu @ Mandeep Singh and CRM-M No. 31902 of 2017 filed by Saraj Singh, all of them being accused in F.I.R. No. 41 dated 17.5.2017 for offences under Sections 452/307/382/324/323/336/427/148/149 of the Indian Penal Code and under Sections 25/27 of the Arms Act registered at Police Station Sadar Malout, District Sri Muktsar Sahib, presently facing trial (offences under Sections 452, 336 of the Indian Penal Code and 25/27

of the Arms Act have been deleted).

Briefly stated the prosecution story is that on 16.5.2017 at about 11.00 A.M. complainant Lovepreet Singh along with his father Jaswinder Singh, grand mother Jaswinder Kaur and cousin Inderjeet Singh were present in their house at village Enna Khera were taking meals. Main gate of their house was closed. Then suddenly complainant heard lalkara and sound of gun fire outside his house. Manpreet Singh son of Khajan Singh and Saraj Singh son of Nihal Singh had raised lalkara asking complainant to open the gate so that he could be taught a lesson for taking waste material of water channel of Wakf Board land. However, complainant did not open the gate. Kulwinder Singh driving the tractor and his brother sitting on the mudguard hit the tractor on main gate which got opened. Then Manpreet Singh son of Khajan Singh armed with Kappa, Saraj Singh son of Nihal Singh armed with Kappa, Tejinder Singh @ Laddu son of Gurnam Singh armed with Gandasa, Gurnam Singh son of Banta Singh armed with Dang, Deepu son of Joginder Singh armed with Kirpan, Khajan Singh son of Niranjani Singh armed with Kulhari, Baaz Singh son of Surrata Singh armed with Spear, Kulwinder Singh son of Baaz Singh armed with handle of Spade, Jaswinder Singh son of Baaz Singh armed with Kappa, Joginder Singh son of Chanan Singh armed with iron rod, Balkar Singh son of Chanan Singh armed with Dang, following them Surmail Singh son of Nihal Singh armed with 32 bore revolver on Motorcycle No. PB-30-6733 of red colour, Anoop Kaur wife of Khazan Singh armed with wooden stick, Kashmir Kaur wife of Baaz Singh armed with wooden stick thus while sitting on the motorcycle entered into the house along with 8-10

unidentified persons. Then Manpreet Singh with intention to kill gave a Kappa blow upon Lovepreet Singh from sharp side which hit on his head. Then Saraj Singh gave a Kappa blow from reverse side which hit on his right bicep. Due to injuries, he fell down on the ground. While he was laying on the ground, Tejinder Singh @ Laddu gave Gandasa blow from reverse side which hit on the elbow of right arm and Anoop Kaur gave a stick blow on lower part of left leg Then he raised hue and cry to rescue him. His uncle Jatinder Singh and his son Inderjeet Singh and grandmother came forward. They also gave beating to them. Jaswinder Singh-father of Lovepreet Singh tried to save Lovepreet Singh and took out 12 bore gun from inside room then Surmail Singh and Deepu snatched the gun from his father and broke it. Then again his father took revolver and came out side to save him. Khajan Singh caught hold his father and Surmail Singh snatched the revolver from his father. All the persons ran away from the spot taking along with the front part of gun and revolver leaving three motorcycles and tractor.

Petitioners-accused were arrested in this case. They had moved application for grant of regular bail before Court of Sessions but were unsuccessful there. Now they have approached this court for grant of similar relief. Notice of the petitions were given to the State.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

In this case, petitioner Joginder Singh is stated to be aged about 60 years. The injury attributed to him is simple in nature, whereas Deepu @ Mandeep Singh aged about 22 years has also been attributed an injury

which was found to be simple in nature. As regards petitioner Saraj Singh said to be aged about 35 years, injury attributed to him is from reverse side of Kappa on the right side of bicep of complainant which was also found to be simple in nature. Saraj Singh is stated to have suffered fire arm injury himself. A counter version of the incident is also there in which Saraj Singh is said to have received fire arm injury on his right elbow. Baaz Singh is said to have received injury on the thumb of right hand. It is only during trial it can be determined which party was aggressor. Kulwinder Singh and Baaz Singh, co-accused of the petitioners are stated to have been granted pre arrest bail by this Court and as such it would be proper and appropriate if concession of bail is granted to the petitioners. Accordingly, both the petitions are allowed and petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Sri Muktsar Sahib subject to the condition that they shall appear in the Court on each and every date of hearing and they shall not leave India without permission of the Court. However, it is made clear that in case the petitioners are found indulging in any criminal act at a later stage, their order granting bail will be liable to be withdrawn.

**(H.S. MADAAN)
JUDGE**

October 11, 2017

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No