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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.45977 of 2016
Date of Decision: 13.01.2017

HARWINDER SINGHPetitioner
Vs
STATE OF PUNJABRespondent

2. CRM-M No.45988 of 2016

BALJINDER SINGH @ MUNSHIPetitioner
Vs
STATE OF PUNJABRespondent

3. CRM-M No.46000 of 2016

TEJPAL SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. L.M. Gulati, Advocate
for the petitioner(s).

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

Mr. Vipul Aggarwal, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order CRM-M No.45977, 45988 and
46000 of 2016 are being decided.

In all the three petitions, prayer is for grant of regular
bail under Section 439 Cr.P.C in case bearing FIR No.176 dated
04.11.2016, registered under Sections 326 / 324/ 323/ 452/ 427/

148/149/120-B IPC at Police Station Kamboh, District Amritsar.

Evidently a cross case was also registered vide DDR No.20 dated 06.11.2016, under Sections 307/324/323/421/120B/148/149 IPC.

Both the parties have number of criminal litigation pending *inter se* between them. The dispute arose between them on account of water channel for which preventive proceedings were initiated in terms of Section 107/151 Cr.P.C. Subsequently, at the instance of the petitioners' side, FIR No.129 dated 19.08.2016, under Sections 307/323/427 IPC was lodged against the complainant party. Complainant party was also involved in FIR No.260 dated 24.07.2016 under Sections 323/341/427/452 IPC as well as FIR No.133 dated 20.08.2016 for the offence under Sections 307/452/506/382 IPC.

The prosecution story started with the allegations that Harpal Singh, who is also an accused in cross case, when reached in the street opposite to the house of the Rajwinder Singh, then Baljinder Singh @ Munshi gave a lalkara and thereupon Kirpal Singh gave a datar blow which landed on the little left finger of the complainant. Harwinder Singh gave a datar blow on the wrist of the complainant and Baljinder Singh inflicted a datar blow which landed on the right side of the head of the complainant between ear and eye. Thereafter Gulpinder Singh gave a blow with kirpan which landed on the little finger

and datar blow given by Jadgish Singh ultimately landed on the right shoulder of the complainant. Total five injuries were found on the person of the Harpal Singh as per MLR No.110 of 2016 dated 31.10.2016.

Learned State counsel on instructions from ASI Kashmir Singh and after perusal of the material on record candidly stated that injury No.2 is attributed to one Karanpal @ Kaka which falls under the mischief of Section 326 IPC. So far as the injuries attributed to Harwinder Singh and Baljinder are concerned, these injuries are only under Section 324 IPC. Tajpal Singh has not been attributed with any injury and he has been implicated with the aid of Section 120-B IPC.

In view of above, without adverting to the merits of the case, I am of the view that petitioners, who are in custody since 07.11.2016 can be enlarged on bail.

In view of above, petitions are 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.

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

January 13, 2017.

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No