

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

1. CRM-M No.45380 of 2017

Gurtej Singh & others

... Petitioners

Versus

State of Punjab

... Respondent

2. CRM-M No.45443 of 2017

Jasvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 5th December, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Prabhjeet Kaur, Advocate for the petitioners.

Mr. Sandeep Kumar, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Since both these regular bail applications under Section 439 Cr.P.C. one by petitioners Gurtej Singh, Sandeep Singh and Pawan Singh and the other by petitioner Jasvir Singh have arisen out of the same very FIR bearing No.353 dated 09.09.2017 under Sections 308, 353, 186, 332, 201, 427/34 IPC pertaining to Police Station Sadar Jagraon, District Ludhiana, are thus being taken up together for disposal for the sake of brevity.

Allegations against the petitioners are that on 09.09.2017 the petitioner side who was having a dispute over the management of Gurudwara with the complainant side, entered into a heated argument

leading to aggression as a consequence of which it is alleged Gurtej Singh and Pawan Singh both armed with weapons assaulted complainant HC Chhinderpal Singh and HC Gurwinder Singh, leading to registration of the present case and arrest of Jasvir Singh on 09.09.2017 and that of other accused on 10.09.2017.

Contentions of the learned counsel for the petitioners are that the petitioners are behind bars and there is no medical evidence to support the applicability of Section 308 IPC.

Learned State counsel has strongly opposed grant of bail to the petitioners on the grounds of heinousness of the offence and seriousness of the allegations.

Appreciating the submissions, to the very specific query of the Court, learned State counsel could not support the contentions as to the applicability of Section 308 IPC on account of lack of medical evidence, thus a debatable issue having been arisen over the same together with the period of incarceration and the fact that investigations and trial will take a long time to conclude, impels this Court to allow the prayer made. Accordingly, the petitioners are ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Both the petition stand disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 5, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No