

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M No. 15721 of 2018 (O&M)
Date of decision : 24.5.2018

...

Vijay and another

.....Petitioners

vs.

State of Haryana

.....Respondent

2) CRM-M No. 20339 of 2018 (O&M)

...

Lovedeep Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Jagjit Gill, Advocate
for the petitioners in CRM-M-15721-2018

Mr. P.B.S. Goraya, Advocate for
the petitioner in CRM-M-20339-2018

Mr. Neeraj Poswal, AAG, Haryana.

Ms. Shikha Jaidka, Advocate for the complainant

...

H. S. Madaan, J.

Vide this order, I intend to dispose of two petitions

bearing CRM-M-15721-2018 titled as Vijay and another vs. State of Haryana and CRM-M-20339-2018 titled as Lovedeep Singh vs. State of Haryana, as both these petitions have arisen out of the same FIR.

Petitioners – Vijay, Shyam Lal @ Shyama and Lovedeep Singh have filed the present petitions for grant of regular bail, all of them being accused in FIR No. 328 dated 6.12.2017 for offences under Sections 148, 149, 323, 324, 341, 427, 506 IPC (offence under Sections 325, 326, 307 IPC and Section 25 of Arms Act, added later on) registered at Police Station Dabwali Sadar, District Sirsa.

Briefly stated, facts of the case, as per the prosecution story are that on 6.12.2017, complainant Gurdev Singh s/o Bhag Singhr/o village Jandwala Jatan, aged about 50 years alongwith Joginder Singh, Gurjeet Singh, Sukhwinder Singh and Jaswant Singh had gone to attend a hearing in the Court at Dabwali in a Zen car and thereafter were returning to village Jandwala Jatan. At about 2.00 P.M. when they had reached near village Khuyian Malkana, three vehicles came there and stopped near their car. Jagsir Singh, Sardool singh, Mangal Singh Sohan Singh, Gurmeet Singh, Harpreet Singh, Maghar Singh, Balkaran Singh, Jaskaran Singh, Harjinder Singh, Gagandeep Singh alongwith 10-12 un-known persons came out of those vehicles. They damaged the glass panes of car of the complainant and started beating up the complainant and persons accompanying him. Gurmeet Singh gave a sword blow to the complainant hitting him on his leg. Harpreet Singh gave a lathi blow to the complainant hitting him on his shoulder. Three persons with muffled faces caught hold of the complainant and pushed him down.

However, the complainant hit himself against the trees. Thereafter, all the accused fled from the spot in their respective vehicles. Injured were taken to CHC, Odhan, from where they were referred to General Hospital Sirsa. Formal FIR in the matter was recorded, on the basis of statement of complainant Gurdev Singh.

Accused Harpreet Singh, Lovepreet, Shyam Lal, Vijay and Gobind were arrested in this case.

Accused Lovedeep Singh as well as accused Vijay and Shyam Lal @ Shyama had moved applications for grant of regular bail before the Court of Sessions, but those were dismissed, as such they have approached this Court by way of filing present petitions for grant of similar relief.

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

As far as accused Vijay and Shyam Lal @ Shayama are concerned, they are not named in the FIR. No specific injury is attributed to them. During the investigation of the case, Section 326 IPC was added since fracture on the person of Joginder Singh was detected and Gurjeet Singh had been stabbed by Sardool Singh in the back, said injury was found to be dangerous to life, therefore Section 307 IPC was added. Names of accused Vijay and Shyam Lal cropped up during statements of co-accused. Dandas have been recovered from their possession.

As far as accused, Lovedeep Singh is concerned, after his arrest danda has been recovered from him. The injury which was declared to be grievous in nature and dangerous to life, are not

attributed to any of the petitioners. Name of Lovedeep Singh was also nominated in statements of the co-accused. Though challan against the accused is stated to have been filed on 8.2.2018. but it is at preliminary stage and its conclusion is likely to take some time. The guilt of the accused shall be determined during the trial. As such I find that it shall be in the fitness of things, if the petitions are accepted.

Therefore, both the petitions are allowed and the petitioners are directed to be released on bail on furnishing of surety bonds and personal bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Sirsa, subject to the following conditions:-

- i) that the petitioners shall appear in the Court on each and every date of hearing;
- ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
- iii) that the petitioners shall not leave India without the prior permission of the Court and shall surrender their passports, if they have got one, otherwise to furnish affidavit in that regard.

In addition to this the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial. In case the petitioners violate

any term and condition on which the bail has been granted to them,
this order shall be liable to be withdrawn.

24.5.2018
chugh

(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes/ No
Whether reportable	Yes/ No