

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

CRM-M-29037-2018 (O&M)
Date of decision:02.08.2018

Balwinder Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Mohd. Yousaf, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Kulwinder Singh, Advocate for
Mr. S.S. Sarwara, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

CRM-26290-2018

In view of the reasons mentioned in the application, same is allowed and the copy of DDR No.26 dated 18.11.2015 registered at Police Station Mulepur District Fatehgarh Sahib along with its translation is taken on record.

CRM-M-29037-2018

Petitioners-Balwinder Singh and Gurtar Singh seek their

release on regular bail in respect of cross-version registered against them vide DDR No.26 dated 18.11.2015 under Sections 323, 324, 326, 336, 435, 148, 149 of Indian Penal Code, 1860 and Section 25, 27, 54 and 59 of Arms Act in FIR No.68 dated 18.11.2015 under Sections 447, 511, 427, 336, 148, 149, 506 of Indian Penal Code, 1860 and Sections 27, 54, 59 of Arms Act, Police Station Mulepur, District Fatehgarh Sahib.

The aforesaid DDR had been registered on the statement of complainant Mangal Singh. The allegations in nut-shell are that on the day of occurrence, when the complainant Mangal Singh, Bhinder Singh, Karam Singh and Ananta Kumar were present on the land of 'Dera' the accused namely Khula Singh armed with '*Kirpan*', Balwinder singh armed with iron '*Datt*', Jasvir Singh armed with '*Kirpan*', Gurtar Singh armed with rod, Harwinder Singh armed with rod in a tempo, Parkash Singh and Amar Nath armed with rods had attacked them. The petitioner-Balwinder Singh is alleged to have given a blow with his '*Datt*' on the fingers of left hand of Mangal Singh. Although Gurtar Singh is stated to be armed with rod but no specific injury has been attributed to him.

Notice of this petition was issued to the State. The learned State counsel has opposed the petition.

Learned State counsel has however informed that the petitioners have been behind bars since last two months and as per report of Doctor, the injury on the finger of Mangal Singh, which is attributed to petitioner-Balwinder Singh could have been self-suffered.

Having regard to the aforesaid facts and circumstances of the case and the nature of injuries attributed to the petitioners and the fact that

present case is case of cross-version, in my opinion, it is a fit case for grant of regular bail to the petitioners. Accordingly, petitioners- Balwinder Singh and Gurtar Singh are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate Fatehgarh Sahib.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

02.08.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**