

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

CRM-M-37406-2018 (O&M)

Date of Decision:-5.10.2018

Bhinda Singh @ Harbhagwan Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek Goel, Advocate for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek grant of regular bail in respect of a case registered against them vide FIR No.53 dated 23.5.2018 under Sections 452, 324, 323, 148 and 149 of Indian Penal Code, 1860 (Sections 307, 326 and 325 IPC were added later on) at Police Station Sadar Faridkot, District Faridkot.

As per allegations in the FIR, as many as 16 accused armed with different weapons like '*kirpan*', '*tesi*', '*kappa*', '*base-ball bat*', '*rod*' and '*iron sela*' entered into the house of the complainant Nachhattar Singh and caused injuries to eight persons including the complainant.

It is the case of the prosecution that petitioner No.1-Bhinda Singh @ Harbhagwan Singh was armed with '*kirpan*' and caused injury to Jasvir Singh on his back; to Nachhattar Singh on his chest; to Prince Singh on his right hand and to Gursewak Singh on his left leg. All the said injuries have, however, been declared as 'simple injuries'.

As far as, co-petitioner Ranjha Singh @ Mangat Singh is concerned, he is alleged to have caused injuries with an iron 'rod' on the head of Nachhattar Singh; on right shoulder of Angrej Kaur; on the back of Prince Singh and on the head of Gursewak Singh. Out of the aforesaid four injuries, the injury caused to Angrej Kaur on her right shoulder has been declared a 'grievous injury'.

The learned counsel for the petitioners has submitted that out of the 16 accused, 8 have already been granted bail including Sikander Singh, who had also been attributed a 'grievous injury' to Nachhattar Singh. The learned counsel has further submitted that all the injuries attributed to petitioner No.1-Bhinda Singh @ Mangat Singh are simple in nature and that three out of the four injuries attributed to petitioner No.2-Ranjha Singh @ Mangat Singh are also simple in nature and that in these circumstances, the petitioners deserve the concession of bail.

On the other hand, the learned State counsel has submitted that in view of the large number of injuries caused by the accused, who had entered into the house of the complainant with a pre-meditation and had caused injuries including grievous injuries, no case for grant of bail to the petitioners is made out.

Having considered the rival submissions addressed before this Court and bearing in mind the nature of injuries attributed to the present petitioners and also the fact that the petitioners have been behind bars since the last more than four months and also that the challan has already been presented, in my opinion, no useful purpose would be served by further detaining the petitioners behind bars as the trial in its normal course is likely

to take some time for its conclusion. The present petition, as such, is accepted and the petitioners-Bhinda Singh @ Harbhagwan Singh and Ranjha Singh @ Mangat Singh are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

5.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No