

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

CRM-M-49217-2018 (O&amp;M)

Date of Decision:-10.12.2018

Pargat Singh

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. T.S. Sangha, Senior Advocate with  
Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

Ms. Ruchi Sekhri, Advocate for  
Mr. P.K. Ganga, Advocate for the complainant.

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**GURVINDER SINGH GILL, J.(Oral)****CRM-43109-2018**

In view of the reasons mentioned in the application, the same is allowed and the MLRs of Lakhwinder Singh and Bakshish Singh are taken on record as Annexures P-7 and P-8. The prayer as regard placing on record the internet record in respect of Lakhwinder Singh is, however, declined.

**CRM-M-49217-2018**

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No.214 dated 29.6.2018 at Police Station Rania, District Sirsa under Sections 307, 323 and 506 of Indian Penal Code, 1860.

The FIR was registered at the instance of Jagdev Singh. In nutshell, the allegations levelled therein are that on the day of occurrence Pargat Singh caused an injury to Lakhwinder Singh on his head with the help of a 'gandasa' with an intention to kill him as a result of which he fell

down. When the complainant Jagdev Singh tried to rescue him, he also sustained an injury on his wrist caused by Gurwinder Singh with the help of 'gandasa'.

The learned counsel for the petitioner has submitted that infact it is a case of cross-version, wherein Bakshish Singh, father of the petitioner, had also sustained two injuries on his shoulder, which as per the MLR, are in the nature of incised wounds and out of which one was found to be a fracture. The learned counsel has further submitted that while the FIR lodged at the instance of Bakshish Singh, father of petitioner, was lodged on 28.6.2018, the present FIR was lodged on 29.6.2018, which clearly shows that the present FIR against the petitioner has been lodged as an after thought after consultations.

On the other hand, the learned State counsel assisted by the learned Counsel for the complainant has opposed the petition by submitting that the injury sustained by Lakhwinder Singh is on his head resulting in fracture and that the said injury has been opined to be "dangerous to life" due to which offence under Section 307 IPC has also been added. The learned counsel for complainant has further submitted that the injuries allegedly sustained by Bakshish Singh could have been self suffered and in any case the said injuries are not on any vital part and in these circumstance, the petitioner does not deserve the concession of bail. It has been informed by learned State counsel that the challan has already been presented and the matter is at the stage of consideration of framing of charges.

Having considered the rival submissions addressed before this Court, it is evident that it is a case of cross-version, where both the sides have sustained injuries and that injuries on both the sides have resulted in

fractures as well. While Lakhwinder Singh from complainant's side sustained one injury on his head, the father of petitioner sustained two incised wounds on his shoulder for which there is no explanation in FIR. It would certainly be debatable as to which of the party is the aggressor. Bearing the aforesaid facts and circumstances in mind, in my opinion, no useful purpose would be served by detaining the petitioner behind bars for an indefinite period especially when not even a single PW has been examined so far. The petition, as such, is accepted. The petitioner Pargat Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

It is further clarified that in case the petitioner ever attempts to misuse the concession of bail, it shall be open to the prosecution to move for cancellation of bail.

This petition stands accepted accordingly.

**10.12.2018**

pankaj

**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned                      Yes / No

Whether Reportable                                  Yes / No