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

Date of Decision: 15.01.2018

1. CRM-M No.48933 of 2017

Gursewak Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

2. CRM-M No.48954 of 2017

Chhinder Pal Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. G.S. Chhina, Advocate
for the petitioner(s).

Mr. Sandeep Kumar, DAG, Punjab.

Mr. G.B.S. Dhillon, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.48933 of 2017 titled Gursewak Singh Vs. State of Punjab and CRM-M No.48954 of 2017 titled Chhinder Pal Singh Vs. State of Punjab are being decided.

Petitioner(s) seek grant of regular bail under Section

439 Cr.P.C in case bearing FIR No.194 dated 20.08.2017 registered under Sections 307, 326, 379, 323, 324, 452, 506, 148, 149 IPC read with Sections 25, 27, 54, 59 of the Arms Act at Police Station Sadar, Ludhiana.

Both the cases have arisen from the same FIR. FIR was registered on the statement of Amar Singh (complainant). Complainant alleged that he along with his brother used to sit on the shop (Sekhon Collection). On 19.08.2017 at about 3 PM, when the complainant and his friend Harwinder Singh were present in the shop, Hirdaypal Singh (neighbour) in the backside of the shop along with 10-12 persons duly armed with kirpans and rods entered the shop. Hirdaypal Singh gave a sword blow on the head of the complainant's brother which landed at the back of his head. Remaining unknown persons started inflicted injuries with their respective weapons. Brother of the complainant became unconscious and fell down. When the complainant tried to save him, Hirdaypal Singh gave a kirpan blow on his head which was warded off and blow landed on the hands of the complainant. Remaining accused also caused injuries to the complainant and his friend. Hirdaypal Singh took out his pistol and stood in front of the shop. They also caused damage to the property and committed theft of Rs.70,000/- which was lying in the cash counter. The

supplementary statement of injured Mandeep Singh was recorded in which part attributed to the petitioner was shown to be a danda blow on the stomach of Mandeep Singh. The part attributed to Chhinder Pal Singh was that he inflicted baseball bat injury on the stomach of Amar Singh (complainant). The blunt injuries were not shown in the MLR. The bail has been declined to the petitioner(s) primarily on the ground that they were members of unlawful assembly.

Learned State Counsel on instructions from ASI Paramjit Singh submitted that challan has already been presented on 16.11.2017 and now the case is fixed for further proceedings.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner(s) on regular bail who are in custody since 20.08.2017 subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 15, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No