

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54225-2018 (O&M)

Date of decision:13.12.2018

Sukhpreet Singh @ Sukha

.....Petitioner

versus

State of Punjab

....Respondent

CRM-M-54181-2018 (O&M)

Sukhwinder Singh @ Binder

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. P.S. Sekhon, Advocate for the petitioner(s).

Ms. Sunint Kaur, AAG, Punjab.

Kuldip Singh, J. (Oral)

This order shall dispose of two petitions i.e. *CRM-M-54225-2018 titled as Sukhpreet Singh @ Sukha vs. State of Punjab* and *CRM-M-54181-2018 titled as Sukhwinder Singh @ Binder Vs. State of Punjab*. For brevity, facts have been taken from CRM-M-54225-2018.

The present petitions have been filed by Sukhpreet Singh @ Sukha and Sukhwinder Singh @ Binder in FIR No164 dated 02.09.2018 under Sections 307, 341, 323, 34 IPC, Section 325 IPC (added later on) and Section 25/27 of Arms Act, 1959, registered at Police Station

Sardulgarh, District Mansa.

Heard.

Allegations in the FIR levelled against the petitioner(s) are that Sukhpreet Singh @ Sukha along with Sukha Singh, Binder Singh, Baljit Singh attacked the complainant-Birvarinder Singh S/o Gurmit Singh and Sukhpreet Singh @ Sukha put his pistol on his ear with intention to kill him. Binder Singh gave blow of handle of hand pump on the back side of shoulder of Manjinder Singh. Sukha Singh S/o Makhan Singh gave a blow of rod on left knee and in the meantime, Baljit Singh gave a blow of his rod below the right leg of Manjinder Singh. Then Binder Singh gave a blow of his handle of hand pump on the left arm of Manjinder Singh. Sukha Singh gave a blow of his rod on the left leg of Manjinder Singh and they pulled Manjinder Singh from hair and Manjinder Singh fell unconscious. Then Binder Singh gave a blow of his handle of hand pump towards the complainant and the same hit him on his right leg. Then Sukha Singh gave a blow of his rod to him and the same hit him on his right arm and Baljit Singh gave one more blow of his rod to him and the same hit him on his left arm.

Both the petitioners were arrested on 10.09.2018 and are in custody since then. In this case, challan has already been presented.

On instructions from HC Balraj Singh, learned State counsel states that all the injuries were found simple in nature and no injury was declared grievous or dangerous to life. On further query, it has been informed that 307 IPC was added as Sukhpreet Singh @ Sukha had

pointed out a pistol towards the ear of Manjinder Singh. It will not be appropriate to comment on the merits of the case at this stage. Both the petitioners are in custody for last about three months.

Considering that the injuries were found simple in nature and there is no injury which is grievous or dangerous to life, there is no justification for further detention of the petitioners. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing personal bonds in the sum of Rs.50,000/- each with one surety of the like amount each to the satisfaction of the trial Court, subject to the following conditions:-

- (1) Petitioners shall surrender their passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioners shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioners shall attend the Court on each and every date of hearing before the trial Court and in case of their absence, trial Court shall be competent to cancel their bail.

Accordingly, the petitions stand allowed.

Photocopy of this order be placed on file of connected petition.

(KULDIP SINGH)
JUDGE

13.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No