

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

(1)

CRM-M-9658-2018
Date of decision:-25.4.2018

Darshan Singh

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-13592-2018

Soni Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner in CRM-M-9658-2018.

Mr.Paras Talwar, Advocate
for the petitioner in CRM-M-13592-2018

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

Mr.A.S. Rai, Advocate
for the complainant.

H.S. MADAAN, J.(ORAL)

By this order, I intend to dispose of two petitions i.e. CRM-M-9658-2018 filed by petitioner Darshan Singh and **CRM-M-13592-2018** filed by petitioner Soni Singh, who are accused in FIR No.183 dated 17.11.2016, under Sections 307, 326, 325, 323, 341, 148 and 149 IPC registered with Police Station Sadar, Samana, District Patiala for grant of

regular bail.

Briefly stated, facts of the case as per prosecution story are that FIR in this case was registered on the basis of statement of complainant Khem Singh son of Amar Singh, belonging to Jatt community, resident of village Fateh Majri, Police Station Sadar, Samana, District Patiala, which he made to the police on 17.11.2016, contending therein that he happens to be Sarpanch of village Fateh Majri and he had taken 1 killa of land each from Prabhjot Kaur and Harvinder Kaur, daughters of Hari Singh, residents of that very village and had sown chari crop therein; that he had gone to those fields just to have a round; that on the said day at about 1:00 p.m. Gursewak Singh armed with a 12 bore gun, Jasvir Singh with an iron rod, Lakhwinder Singh with an iron rod, Randhir Singh, Gurjit Singh, Gurvinder Singh armed with gandasa, Soni armed with an iron rod, Hadev Singh, Gurpreet Singh, Amarjit Singh @ Ambi and Darshan Singh (petitioner in CRM-M-9658-2018) with a 12 bore gun, Gurmeet Singh armed with an iron rod, Amandeep Singh, Kulwinder Singh came there on motorcycle and in a jeep. Gursewak Singh raised a lalkara that complainant should not go scot free on that day and he should be caught hold of. Gurvinder Singh gave a gandasa blow from its reverse side hitting the complainant on head with the result he fell down. Gurjit Singh caught hold of complainant from his left arm and Hardev Singh from right arm, Amandeep Singh and Kulwinder Singh from his left leg and Gurpreet Singh and Amarjit Singh @ Ambi from right leg. Then Gursewak Singh broke left arm of the complainant by hitting him with his hand held gun's butt, whereas Darshan Singh broke

his right arm by hitting it with his hand held gun's butt. Gurmeet Singh with his hand held iron rod had broken his right leg, Soni (petitioner in CRM-M-13592-2018) had broken his left leg with an iron rod. Jasvir Singh had attacked with iron rod hitting him on his shoulder, whereas Sukhwinder Singh had attacked with iron rod on his left upper arm. Randhir Singh caught hold of the complainant from his hair, then complainant raised an alarm. Jasvir Singh, who had been living with the complainant was also surrounded and caused injuries. When complainant tried to make a call from his mobile phone with his right hand, Gursewak Singh @ Mithu snatched 5 tola gold kara, which he was wearing on his right hand. On arrival of Randhir Singh, a brother of the complainant, besides Pal Singh, Anup Singh, at the spot all the accused left that place alongwith their respective weapons. The motive for the incident was that complainant had been pursuing land related cases of Prabhjot Kaur and Harvinder Kaur, which left the accused aggrieved and for that reason they had caused injuries to the complainant. The complainant was taken to the Civil Hospital, Samana, where he was got admitted. The accused were arrested in this case. After completion of investigation and other formalities, challan against them was filed in the Court.

I have heard learned counsel for the petitioners, learned State counsel as well as learned counsel for the complainant besides going through the record.

As far as CRM-M-9658 of 2018 filed by petitioner Darshan Singh is concerned, he had filed a petition for regular bail earlier bearing CRM-M-48552 of 2017, which was dismissed vide order dated 16.1.2018.

The main ground for dismissal of that petition was that of the injuries caused on the person of injured – complainant Khem Singh, injury on head had been declared to be dangerous to life. However, it has been pointed out that offence under Section 307 IPC has since been deleted. The petitioner Darshan Singh has been charged for the offence under Section 325 IPC, whereas regarding the other offences vicariously with the help of Section 148 and 149 IPC being member of an unlawful assembly. It has further been pointed out that in the three petitions of co-accused allowed by this Court, it was noticed that no injury had been declared as dangerous to life and further bail has been granted to Satnam Singh, Jasvir Singh and Gursewak Singh alias Mithu. The present petition has been filed after deletion of offence under Section 307 IPC. The role of the petitioner Darshan Singh is stated to be at par with Gursewak Singh @ Mithu, who has already been granted bail. The petitioner Darshan Singh is stated to be in custody w.e.f. 23.12.2016 and more than three months have elapsed since the date of dismissal of first petition.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioner Darshan Singh.

Accordingly, the CRM-M-9658-2018 stands allowed. The petitioner namely Darshan Singh ordered to be released on bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Patiala, on following conditions:

- (i) He shall appear in the Court on each and every date of hearing.

(ii) He shall not give any threat or intimidation to the prosecution witnesses.

(iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violate any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

As far as CRM-M-13592 of 2018 filed by petitioner Soni Singh is concerned. He had also filed a petition for regular bail earlier, which was dismissed. He has been charged for the offence under Section 326 IPC contending that he along with his co-accused in prosecution of common object had voluntarily caused grievous hurt to Khem Singh with sharp pointed iron rod. Therefore, keeping in view the nature of injury attributed to him and weapon used in the incident, in my view he does not deserve concession of regular bail.

Hence, CRM-M-13592 of 2018 filed by petitioner Soni Singh is dismissed accordingly.

25.4.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No