

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-876-2019 (O&M)
Date of Decision:- 21.1.2019

Nachhatar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepanshu Mehta, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of FIR No.45, dated 20.7.2018, registered at Police Station Sadiq, District Faridkot, under Sections 324, 323, 148, 149 and 506 IPC (Offence under Section 326 IPC added later on vide DDR No.22, dated 8.10.2018).
- 2 As many as six persons have been arrayed as accused including the petitioner who are stated to be armed with sticks, gandasi and Kulhari. Present petitioner, as per FIR was armed with a stick and is attributed one blow on the left arm of the complainant-Nirmal Singh. Nirmal Singh is alleged to have received as many as 12 injuries both simple and greivous. Complainant's son Gursewak Singh is also

alleged to have sustained one injury on his head which had been declared as a simple injury. It is also the case of prosecution that Nirmal Singh had sustained incised wounds on fingers of both of his hands which have been declared as 'grievous injuries'.

3. Learned counsel for the petitioner has submitted that even as per the FIR he is attributed only one blow with 'dang' on the elbow of left arm of the complainant which is a simple injury.
4. Learned counsel has further submitted that in fact it is a case where even the accused party had sustained injuries which have not been explained. It has been submitted that while Jalandhar Singh from accused party sustained 5 injuries, Aman sustained 2 injuries and Jagroop Singh sustained 8 injuries and that in these circumstances it will certainly be debatable as to which of the party is the aggressor.
5. Opposing the petition, the learned State counsel has submitted that in view of the fact that a large number of injuries had been sustained by complainant-Nirmal Singh, who had sustained as many as 12 injuries including incised wounds which have been declared as a 'grievous injury', no case for grant of bail is made out.
6. Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner is attributed one dang blow on the left elbow of the complainant which had been declared as a simple injury and that members of accused party have also sustained injuries and also that the petitioner has been behind bars since for the last 2 months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars especially

since the trial is not likely to be concluded in immediate future. The petition, as such, is accepted and petitioner-Nachhatar Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

- 7. This petition stands accepted accordingly.
- 8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

January 21, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No