

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

CRM-M-2652-2019 (O&M)  
Date of Decision:- 25.1.2019

Kulwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Arshdeep Singh Brar, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in case registered vide FIR No.152, dated 9.8.2018, registered at Police Station Bagha Purana, District Moga, under Sections 323, 341, 506 and 34 of IPC.
2. The FIR in the present case was registered at the instance of Harpreet Singh wherein it has been alleged that on the day of occurrence when he was going on motorcycle after loading fodder in the cart, then he was waylaid by Kulwinder Singh, Jagjit Singh @ Soni and Labha, who were armed with 'sticks'. It is alleged that Kulwinder Singh raised a lalkara that the complainant be taught a lesson for messing with them and thereafter gave a blow with 'stick' on the head of the

complainant. Jagjit Singh @ Soni is stated to have given a blow with 'stick' hitting the left elbow of the complainant. Kulwinder Singh is attributed another blow with 'stick' which is stated to have hit the complainant's head on the left side. Labha Singh is also stated to have given another 'stick' blow hitting the complainant on the left elbow.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in any case no offence under Section 308 IPC can be said to be made out as the petitioner and other co-accused, even as per allegations in the FIR, were armed with 'sticks' and had not given any such blow which can be said to be endangering the life of the complainant. It has further been submitted that the genesis of occurrence had been suppressed inasmuch as co-accused Jagjit Singh @ Soni had been caused injuries including an incized wound regarding which there is no explanation in the FIR.
4. Opposing the petition the learned State counsel has submitted that since as per opinion of the doctor, one of the injury found on the head of complainant was opined to be dangerous to life, no case for grant of bail is made out. It has however been informed that challan has already been presented, although charges are yet to be framed.
5. Having considered rival submissions addressed before this Court and upon finding that it is a case of cross-versions wherein co-accused Jagjit Singh @ Soni has also sustained injuries including an incised wound which is stated to have been caused with 'kirpan' and

that the trial has not commenced so far as charges have not been framed and as many as 12 PWs have been cited, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner-Kulwinder 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.

6. This petition stands accepted accordingly.

January 25, 2019  
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( GURVINDER SINGH GILL)  
JUDGE

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |