

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

CRM-M-6715-2019 (O&M)
Date of Decision:-1.5.2019

Balkar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek Goel, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.53 dated 23.05.2018 under Sections 452, 324, 323, 148 and 149 of Indian Penal Code, 1860 (Section 307, 326 and 325 of Indian Penal Code, 1860 added later on), Police Station Sadar Faridkot, District Faridkot.
2. As per the allegations in the FIR as many as 16 accused including the present petitioner, who were armed with weapons like '*Kirpan*', '*Tesi*', '*Kappa*', base-ball bat, '*Rod*' and iron '*Sela*' had entered into the house of complainant-Nachhattar Singh and caused injuries to eight persons including the complainant. The injury found on the person of Jasbir Singh was declared to be dangerous to life. The present petitioner Balkar Singh is stated to be armed with '*kapa*' and is alleged to have given a blow with the same on the right shoulder of the complainant and also on the left jaw of the complainant's wife and on the head of Manpreet Kaur.
3. The learned counsel for the petitioner has submitted that it is a case of cross-versions wherein two persons from the accused side namely Lakhvir Singh

and Hakam Singh also sustained 3 injuries, 2 of which are incised wounds including an injury on the head.

4. Opposing the petition, the learned State counsel has submitted that the manner in which a large number of accused had entered into the house of the complainant and had inflicted large number of injuries with deadly weapons, they do not deserve the concession of bail and has thus prayed for dismissal of the petition.
5. Having considered rival contentions addressed before this Court and while bearing in mind that it is a case of cross-versions where two of the accused have also sustained injuries, it would be debatable as to who was the aggressor. It has been informed that the petitioner has been behind bars since last 4½ months. Having regard to aforesaid facts and circumstances and also the fact that as on date out of 35 cited PWs 13 have been given up and examination-in-chief of 5 PWs have been recorded and that the conclusion of trial, in its normal course, is likely to take some time, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Balkar Singh is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate/trial Court concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

1.5.2019

pankaj

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No

(Gurvinder Singh Gill)
Judge