

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

**CRM-M-19915-2018
Date of decision-17.01.2019**

Balwinder Singh @ Latti

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab assisted by
HC Rajesh Kumar.

MANOJ BAJAJ, J.

Petitioner has prayed for grant of regular bail in case FIR No.106 dated 27.08.2017 under Sections 324, 323 and 148 (Section 307 IPC added later on) read with Section 149 of Indian Penal Code registered at Police Station Chattiwind, District Amritsar.

The FIR was recorded on the statement of complainant-Rasaal Singh, with the allegations that on 26.08.2017 when he alongwith his brother etc was standing outside the house of Love Devinder Singh in the street, they heard loud voices from the other street. After a short while Gurjan Singh etc alongwith petitioner-Balwinder Singh @ Latti son of Sewa Singh came there and upon seeing the complainant, Sartaj Singh exhorted to teach them a lesson for altering the water-course. All the accused who were carrying weapons caused injuries to the complainant and others. Petitioner Balwinder Singh @ Latti is attributed a gandasi blow from front side upon

the head of Love Devinder Singh @ Fouji.

Learned counsel for the petitioner contends that except one injury, rest of the injuries suffered by injured were simple. This fact is not disputed by learned State counsel. A reading of the MLR also reveals that injury Nos.2 to 6 suffered by the injured Love Devinder Singh @ Fouji are simple in nature. In respect of injury No.1 (on head) an opinion given by doctor mentions that injury No.1 dangerous to life, and had surgical treatment not given to the patient in time, he could have died.

Learned counsel for the petitioner contends that in view of the opinion given by the doctor, it would be debatable as to whether injury No.1 would actually invite punishment under Section 307 IPC. It is further pointed out that injured complainant-Rasaal Singh has already been examined as prosecution witness on 11.01.2018.

On the other hand, learned State counsel assisted by HC Rajesh Kumar opposed the bail application on the ground that the accused along with other assailants had attacked the complainant Rasaal Singh and his brother etc. In all five persons have suffered injuries at the hands of the assailants. However, it is not disputed that Section 307 IPC is attributed only on account of injury suffered by injured Love Devinder Singh @ Fouji. Rest of the injuries suffered by the others are simple in nature. It is not disputed that only two witnesses have been examined so far out of the total 31. The petitioner is in custody since his arrest on 27.03.2018.

Without meaning any expression on the merits of the case and considering the custody and the stage of the trial, which is likely to consume

more time, further detention of the petitioner may not be justified. Resultantly, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

17.01.2019
vanita

(MANOJ BAJAJ)
JUDGE

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