

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

CRM-M-12485-2019
Date of decision:26.3.2019

Sukhdeep Singh & another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amandeep Chhabra, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No. 91 dated 2.5.2018 under Sections 326, 452, 324, 323, 148, 149 of Indian Penal Code, 1860 registered at Police Station Maur, District Bathinda.
2. The FIR was lodged at the instance of Rajwinder Singh wherein it has been alleged that on 30.4.2018 when he along with his brother Gurbhajan Singh were sitting in front of the gate of their house, then Sukhdeep Singh and Manjinderjit Singh along with Daljit Singh and Harjinder Singh, Gursevak Singh and Gurmit Singh arrived there in a car and had entered their house. It is alleged that

Sukhdeep Singh attacked the complainant with the '*Kirch*' hitting on the back side of his left hand. Manjinderjit Singh is stated to have hit the complainant from the back side of his spear on the hips of the complainant. It is alleged that all those persons thrashed the brother of the complainant and also abused them and when they raised alarm they fled away. It is further alleged that the accused took away mobile phone belonging the complainant's brother.

3. Learned counsel for the petitioner submits that a false FIR has been lodged and that in fact it is the petitioners who had been caused injuries by the complainant-party. Learned counsel has submitted that the petitioner Sukhdeep Singh had in fact sustained as many as three injuries including a lacerated wound on his forehead and also injury on his eye and nose.
4. Opposing the petition, the learned State counsel has submitted that the petitioners are attributed a grievous injury whereas the injuries sustained by petitioner No.1-Sukhdeep Singh are in the nature of simple injuries only and in that in these circumstances, they do not deserve concession of bail.
5. Having considered rival contentions addressed before this Court and bearing in mind the fact that petitioner No.1-Sukhdeep Singh had also sustained injuries regarding which there is no explanation in the FIR, it will certainly be debatable as to which of the party is aggressor. As per the custody certificate filed today in the Court, the petitioners have been behind bars since last 1 month and 20

days. In my opinion, further detention of the petitioners would not serve any fruitful purpose. The petition, as such, is accepted and it is ordered that petitioners be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, 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.

(GURVINDER SINGH GILL)
JUDGE

26.3.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No