

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-19276 of 2019
Date of Decision: 07.11.2019**

Maninder SinghPetitioner

VERSUS

State of PunjabRespondent

2. CRM-M-31281 of 2019

Nirmal SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Benti Kaur, Advocate
for Mr. Kawaljyot Singh, Advocate
for the petitioner in CRM-M-19276-2019.

Mr. B.S. Bhalla, Advocate
for the petitioner in CRM-M-31281-2019.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab

SURINDER GUPTA, J.(Oral)

The present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.74 dated 03.04.2018 registered for offences punishable under Sections 307, 148 and 149 of Indian Penal Code (for short, "IPC") at Police Station City South Moga, District Moga.

Heard.

As per case of prosecution, son of complainant, namely, Jaspal Singh left his house after telling his father that he had received a phone call from his friend Landi son of Surinder Singh, who had called him at his outer

house for compromise with Gurjant Singh. When he reached there, Gurjant Singh, who was present with co-accused, namely, Happy and Nirmal, gave *kapa* blow on the head of Jaspal Singh and Happy gave a rod blow, which hit on the eye of Jaspal Singh. Other persons, who were also present with them, caused injuries to Jaspal Singh. The complainant, who had followed his son, raised *rolla*. Injured was taken to hospital, where doctor on his medical examination found following injuries on his person:-

- “1. *Lacerated wound 10 x 3 cm over left fronto-parietal region scalp with exposed depressed bone with minimal bleeding*
2. *Bruise left upper eyelid.”*

Learned State counsel submits that petitioner-Maninder Singh was nominated in the statement of injured, who has attributed him blow with base-ball bat on his back while petitioner-Nirmal Singh has been attributed *kirpan* blow from reverse side on his back.

Learned counsel for petitioner-Maninder Singh submits that petitioner was not named in the FIR. Injuries alleged to have been attributed to him by the injured were not found in the medical examination of injured.

Learned counsel for petitioner-Nirmal Singh submits that petitioner in fact has not been attributed any role in the occurrence and the injury alleged to have been caused by *kirpan* was not found on the person of complainant when he was medically examined.

Earlier bail applications of petitioners were dismissed as withdrawn with permission to file fresh applications after recording statements of injured and complainant. It has been stated that injured and complainant have been examined before the trial Court. Both the petitioners were arrested on 23.04.2018 and are in custody since then.

Without expressing any opinion on merits of the case but keeping in view the role attributed to petitioners as per submission of learned State counsel and the fact that conclusion of trial will take considerably long time, present petitions are allowed. Petitioners, Maninder Singh and Nirmal Singh in both the petitions are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

November 07, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No