

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-26415 of 2019
Date of Decision: 10.07.2019**

Harinder Pal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-27641 of 2019

Gurinderpal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jasraj Singh, Advocate
for the petitioners in both the petitions.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

SURINDER GUPTA, J.(Oral)

Above-captioned petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.20 dated 09.02.2019 registered for offences punishable under Sections 307, 323, 324, 342 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Bullowal District Hoshiarpur. (Offences punishable under Sections 365 and 326 IPC were added later on).

Heard.

Facts of the case as mentioned in order dated 30.05.2019 passed by Sessions Judge, Hoshiarpur are reproduced as follows:-

"As per the facts of the case, Davinder Singh complainant gave his statement to the police that on 8.2.2019

at about 7.00 PM, he alongwith his uncle Amarjit Singh had gone to their fields. Due to excessive rain, water from the fields of Parveen Pal Singh alias Sai and Mohinder Singh alias Bunty was coming in their fields. He and his uncle Amarjit Singh were putting cloth in the pipe for blocking water. In the meantime Gurinder Pal Singh, Harinder Singh, Parveen Pal Singh and Kulvir Singh, who were armed with Kirpans, attacked them. After raising lalkara, Gurinder Pal Singh gave kirpan blow on the left side of his skull. With the intention to kill him, Gurinder Pal Singh gave second Kirpan blow, which hit little above his left ear. Harinder Singh gave Kirpan blow from reverse side, which hit on his back. Harinder Singh gave second Kirpan blow from reverse side which hit on his waist. Then Kulvir Singh gave three Kirpan blows, which hit on his shoulder, left and right legs below knee. The aforesaid assailants also gave Kirpan blows to his uncle Amarjit Singh. Davinder Singh further stated that blood started oozing out of his head and other parts of the body. He and his uncle Amarjit Singh raised raula of 'Maar Ditta, Maar, Ditta', but the assailants started dragging them and took them to their house situated at a distance of 150 yards. They tied them with the pillar with the help of a heavy plastic rope and gave kick blows to both of them. In the meantime police party reached the spot and rescued them from the assailants.....”

Learned State counsel on instructions from ASI Kulwinder

Singh submits that Gurinderpal Singh (petitioner in CRM-M-27641-2019)

has been attributed injuries on the person of complainant and three injuries on the person of Amarjit Singh. These injuries were caused by reverse side of *kirpan* and were declared simple in nature. Harinder Pal Singh (petitioner in CRM-M-26415-2019) has been attributed two injuries on the person of complainant and one injury on the person of Amarjit Singh. Injuries on the person of complainant were declared simple in nature while injury on the person of Amarjit Singh was declared grievous in nature. After the incident, they dragged both the injured to their house, which was 150 yards away from the place of occurrence, tied them with a pillar and gave kick blows to them. Gurinderpal Singh (petitioner) was preparing video when police arrived at the spot and videographed the entire incident. No injury was found on the person of petitioner-Gurinderpal Singh at that point of time and this is why no cross case was registered.

Learned counsel for petitioners submits that it is a case of cross-version. Complainant and injured alongwith other persons entered the house of petitioners and caused them injuries but police has not recorded any cross-version. A cross complaint has been filed, which is pending.

Gurinderpal Singh, petitioner in CRM-M-27641-2019, and Harinder Pal Singh, petitioner in CRM-M-26415-2019, were arrested on 16.02.2019 and 14.03.2019 respectively. After completion of investigation, final report has already been filed in Court. Grievous injury on the person of Amarjit Singh is not on vital part of the body. Injury on his head was declared simple in nature.

In view of above, but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, present petitions are allowed. Petitioner-Harinder

Pal Singh in CRM-M-26415-2019 and petitioner-Gurinderpal Singh in CRM-M-27641-2019 are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner 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 petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bond and surety bond and proceed to procure their presence in accordance with law. In that eventuality petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

July 10, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No