

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

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CRM-M-37716-2019 (O & M)
Date of Decision:11.09.2019

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.41 dated 13.05.2019, under Sections 323, 324, 341 and 34 IPC (Section 307 IPC added later on), registered at Police Station Cheema, Sangrur.

As per prosecution the complainant Jagsir Singh alleged that on 11.05.20019 at about 9:00 pm, there were exchange of hot words between Gurwinder Singh @ Ghoghar and the complainant as Gurwinder Singh was using wrong words against the sister of the complainant. It was further alleged that after the said incident, both the parties went to their respective houses. Again on 12.05.2019, at about 7:00 pm, when the complainant was returning to his house after work along with his uncle Sanju Singh and reached near the street of his house, then they saw Gurwinder Singh, Balwinder Singh, who were standing near their motorcycle and the complainant and his uncle were surrounded by the said persons. Balwinder

Singh took out the Kirch (sharp edge weapon) and attacked his uncle Sanju Singh, by inflicting Kirch blow on left rib of his uncle, who fell on the ground. In order to save his uncle, when the complainant intervened, then Gurwinder Singh pushed him and Balwinder Singh gave a Kirch blow hitting left side of chest of complainant. On hearing hue and cries of complainant and his uncle, people started gathering. On seeing the gathering, Gurwinder Singh and Balwinder Singh fled away on the motorcycle along with the weapons.

Learned counsel for the petitioner contends that initially the FIR was registered for the offences punishable under Sections 323, 324, 341 and 34 IPC and later on after a month i.e. on 13.06.2019, the offence punishable under Section 307 IPC was added. It is pointed out that in the said occurrence, the cross-version at the instance of the petitioner through DDR was also recorded on the same day. According to him, co-accused of the petitioner namely Gurwinder Singh is already on regular bail. He submits that further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by SI Gurcharan Singh has opposed the bail application on the ground that the injury caused by the petitioner has invited the said offence punishable under Section 307 IPC, though it was introduced later on upon the receipt of the opinion of the doctor. It is also not disputed that there is a cross-version and in the said occurrence the petitioner also suffered injury. He submits that the final report was filed on 28.08.2019.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner 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.

11.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No