

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

Criminal Misc. No.M-43245 of 2019(O&M)

Date of Decision: December 04, 2019

Varinder Singh @ Binder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Mohit Jaggi, Advocate for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Ms.Promila Nain, Advocate for the complainant.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.0005 dated 06.01.2019 under Sections 307, 323, 427, 506, 148, 149 IPC, Police Station Dehlon, Ludhiana.

The FIR was registered on the statement of one Rajiv Garg, who stated that he had a showroom in the name of Raja Enterprises on Jagera Road, Ahmedgarh. On 05.01.2019 at about 3.15 PM Divanshu Garg, Munish Kumar and Harsh Garg along with their accomplices came to the godown of the complainant and raised *Lalkara* that both brothers be thrown in canal after killing them. Keshav, nephew of Munish Kumar who was carrying a rod in his hand, aimed a blow on the complainant, which hit him on the left side of his forehead. The driver of the complainant Deepak Kumar who was standing, tried to intervene to stop the assault. Binder – petitioner inflicted a blow with sword on the head of Deepak Kumar. He fell

down. On raising noise, the assailants fled away. While going, they also damaged the vehicle of the complainant which was parked in front of the door of the showroom and also damaged the showroom.

Ld. counsel for the petitioner has argued that in the FIR a cross-version was also registered on the statement of Divanshu Garg. As per the version therein, it was in fact the complainant party which had entered the godown of the petitioner and caused injuries to Vasu Jindal and Divanshu Garg. He further argued that the petitioner has been falsely implicated being a mechanic of Divanshu Garg. Though the allegation is that the petitioner had caused injury with sword on the head of Deepak Kumar, but as per the MLR the injury on the head of Deepak Kumar was a lacerated wound of 10cm x 2cm on the right front parietal area of scalp. It is argued that if the injury was inflicted by sword it would have been an incised wound.

The petitioner is in custody since 16.07.2019. The co-accused of the petitioner namely Vasu Jindal and Divanshu Garg have already been granted regular bail by the Additional Sessions Judge, Ludhiana. The petitioner is their employee and has no enmity with the complainant party.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

December 04, 2019

**(HARINDER SINGH SIDHU)
JUDGE**

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No