

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

**CRM-M No. 47318 of 2019
Date of Decision:-16.11.2019**

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Aman Pal, Advocate
for the petitioner.

Mr. Pritam Saini, Addl. A.G., Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Pardeep has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 55 dated 02.6.2019, under Sections 148, 149, 323, 307, 447 and 302 IPC and Section 25 of Arms Act, registered at Police Station Sector 13-17, District Panipat. The petitioner is in custody since his arrest on 03.6.2019.

The FIR was lodged on the complaint of Happy Singh @ Simranjeet Singh s/o Balwinder Singh, wherein it was alleged that he had

purchased 11 kanals of land from Balkar Singh. On the day of incident i.e. 02.6.2019 at around 12.00 noon, accused Pardeep (petitioner) s/o Jodha Singh came on his tractor and started making a Doll (killa line) on his (complainant's) land. Thereafter, Lovepreet Singh, Chhaminder Singh, Chhingara Singh, Gurnam Singh, Harwinder Singh, Manjeet Singh, Gurwinder Singh @ Giandri, Jodha Singh, Kuldeep Singh and Kashmir Singh also came there and they also started measuring the said land with measurement tape. Upon this, complainant alongwith Balwinder and Sarwan Singh reached there and objected the same. Then all the accused persons started abusing the complainant side and started quarrelling. Thereafter, Balbir Singh, Pritam Singh, Gurmeet Singh, Jagdeep Singh, Ranjeet Singh, Darshan Singh and Gurmeet Singh also came on the spot and started giving beatings to the complainant side with lathi, dandas, iron rods and swords, which they were carrying with them. Upon this, Gopi Sarpanch alongwith some boys came on the spot to intervene the matter. During that time, accused Gurdeep Singh fired a gun shot upon father of complainant with intention to kill him and the said shot hit his father. Thereafter on raising hue and cry, all the accused persons with their respective weapons fled away from the spot. FIR was registered against the accused persons and later on upon death of Balwinder Singh due to injuries received in the occurrence, Section 302 IPC was added.

Learned counsel for the petitioner has argued that in the alleged occurrence, the petitioner suffered five injuries and was admitted in the hospital with a fracture on his skull. He submits that alongwith him two

other co-accused, namely, Chaminder Singh and Manjeet Singh also suffered injuries and were admitted in hospital. According to him the petitioner was attributed only simple injuries to Gurmeet Singh with danda and that too was described by way of supplementary statement given on 05.6.2019. It is argued that victim Balwinder Singh died as a result of gun shot fired by Gurdeep Singh. According to him the investigation of the case is complete and the challan has been filed before the trial Court on 17.8.2019. He further contends that version of the accused persons was not entertained by the police, therefore, a criminal complaint has been filed seeking prosecution of Happy Singh (complainant) and others, which is pending. It is prayed that as trial is likely to consume considerable time, therefore, the petitioner be released on regular bail.

On the other hand, learned State counsel, who is assisted by ASI Pardeep Kumar, opposed the prayer on the ground that it was the petitioner, who came at the place of occurrence alongwith his co-accused and caused injuries upon 09 persons and victim Balwinder Singh died as a result of gun shot injury. He states that total 47 injuries were inflicted by the accused persons, out of which 11 injuries were grievous in nature and rest were simple. He submits that petitioner is the main accused, therefore, he does not deserve the concession of regular bail.

After hearing learned counsel for the parties, this Court finds that in the present case, a clash between two groups in respect of piece of agricultural land turned ugly and both sides have suffered injuries. It is not disputed by learned State counsel that petitioner was already admitted in

hospital when he was arrested on 03.6.2019 and apart from it, the nature of injuries suffered by him are also not disputed. During the course of hearing it was not disputed that weapon used in the crime was owned by victim Balwinder Singh, however, during the fight, it was allegedly snatched and used by Gurdeep Singh.

Considering the above background, this Court does not find any reason to further detain the petitioner behind the bars, 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, Panipat.

The petition is allowed.

November 16, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No