

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

CRM-M-55634-2018
Date of decision:01.02.2019

Hakam Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vivek Goel, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners seek grant of regular bail in case registered vide FIR No.53 dated 23.05.2018 under Sections 452, 324, 323, 148 and 149 of Indian Penal Code, 1860 (Section 307, 326 and 325 of Indian Penal Code, 1860 added later on), Police Station Sadar Faridkot, District Faridkot.
2. As per the allegations in the FIR as many as 16 accused including the

present petitioners who were armed with weapons like '*Kirpal*', '*Tesi*', '*Kappa*', base-ball bat, '*Rod*' and iron '*Sela*' had entered into the house of complainant-Nachhattar Singh and caused injuries to eight persons including the complainant. The injury found on the person of Jasbir Singh was declared to be dangerous to life.

3. The learned counsel for the petitioners has submitted that it is a case of cross-versions wherein two persons from the accused side namely Lakhvir Singh and Hakam Singh also 3 sustained injuries, 2 of which are incised wounds including an injury on the head.
4. Opposing the application, the learned State counsel has submitted that the manner in which a large number of accused had entered into the house of the complainant and had inflicted large number of injuries with deadly weapons, they do not deserve the concession of bail and has thus prayed for dismissal of the petition.
5. Having considered rival contentions addressed before this Court and while bearing in mind that it is a case of cross-versions where two of the accused have also sustained injuries, it would be debatable as to who was the aggressor. It has been informed that while petitioners No.1 to 3 have been in custody since last more than 4 months, petitioner No.4 has been behind bars since last 8 months. Having regard to aforesaid facts and circumstances and also that not even a single PW out of 35 cited PWs has been examined and that conclusion of trial, in its normal course, is likely to take some time, in my opinion, no fruitful purpose would be served by further detaining the petitioners

behind bars. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

01.02.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**