

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

**CRM-M No. 59121 of 2018
Date of Decision:-10.05.2019**

Vasudev Dass

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. D.K.Bhatti, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Vasudev Dass has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.226 dated 29.9.2018, under Sections 307, 427, 452, 323, 324, 506, 34 IPC (later on Section 326 IPC added), registered at Police Station Kotwali Kapurthala, District Kapurthala.

The FIR was registered on the basis of statement of complainant-Navraj Singh s/o Bakhshish Singh, Caste Kamboj, resident of Kanjli, P.S. Kotwali, Kapurthala to the effect that he is resident of aforesaid address and is doing the cultivation. That on 28.9.2018 at about 7.00 p.m. when he alongwith his family was present in his house, somebody

repeatedly rang the door bell of his house and that in response, he asked the person standing on the gate informing him that he is coming but the person standing out kept on ringing the door bell. The complainant further stated that when he alongwith his younger son Ajayraj Singh, aged about 05 years, reached near the gate and he opened the small gate affixed in the main gate and there he saw that 04 persons were standing outside the gate holding sharp edged Kirpans (swords) in their hands and immediately on his having opened the gate, they pushed the gate of his house and forcibly entered into the house alongwith their weapons. The complainant further stated that due to push given to the gate by the aforesaid persons, he alongwith his son fell down inside his house but he immediately stood up and picked up his son and rushed to the varandah in his house. The complainant further stated that out of them, three persons entered into his house, one was Vasudev Dass @ Vijay Joshi s/o Gopal Dass (petitioner-accused), who was holding a kirpan in his hand and that with intention to kill him, he gave him a kirpan blow upon his head but he immediately raised his right hand above and stopped the blow and as a result, the kirpan blow given by Vasudev Dass hit him on the palm of his right hand near the thumb. The complainant further alleged that he confined his son inside the room and that Vasudev Dass and two other unknown persons who had entered into his house alongwith him i.e. Vasudev Dass kept on causing him kirpan blows hitting him on the back of his left lower leg while he was lying fallen down and the other unknown person also caused him continuous kirpan blows hitting on his neck, left thigh, left leg and on the nail of thumb of his left hand raised by him to

avoid his blows and that when he tried to run to the room after getting up, Vasudev Dass again gave him a kirpan blow hitting him on the back of his room and that blood started oozing out from his injuries and he raised raula of 'Mar Ditta Mar Ditta', which attracted his mother, father, his wife, present in the rooms and Haveli and his cousin Sikander Singh s/o Narinder Singh living in his neighbourhood and thereafter the accused persons ran away from the spot alongwith their respective weapons. Even the cousin of complainant, namely, Sikander Singh and his friend Prithvipal Singh chased the accused persons in a car but they could not be nabbed. In this background the present FIR was registered against the accused persons.

Learned counsel for the petitioner contends that the injuries suffered by the complainant are on non-vital parts as the injuries are suffered at the fingers, leg and back of neck. He further contends that it is seriously debatable as to whether actually the offence under Section 307 IPC is made out? According to him, the investigation of the case is complete and challan stands filed on 28.11.2018.

On the other hand, learned State counsel, assisted by ASI Bhagwant opposed the prayer for grant of bail on the ground that serious injuries have been caused to the complainant. However, it is not disputed that the investigation is complete. Learned State counsel on instructions from ASI Bhagwant states that Section 307 IPC was added in respect of blow of sword aimed at the head, which actually landed on thumb of right hand of the victim.

Considering the above background of the case and the fact that

trial will take considerable time, therefore, further detention of the petitioner is not justified. Resultantly, 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, Kapurthala.

The petition is allowed.

May 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No