

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2698-2020

Date of Decision: 25.02.2020

Gurwinder Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. N.K. Ganga, Advocate for the complainant.

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Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.128 dated 24.09.2019, under Sections 307, 323, 325, 341, 506 IPC read with Section 34 IPC, registered at Police Station Baragudha, District Sirsa (In report under Section 173 Cr.P.C., Section 34 IPC was deleted). He is in custody since his arrest on 2.10.2019.

The FIR was registered on the statement of complainant Harjinder Singh, wherein it was stated that his younger brother was working as car mechanic in Auto Market, Sirsa, who used to go to Sirsa on a motorcycle for his work. On 24.09.2019, the complainant was also accompanying his brother Balkaran Singh to Sirsa on his motorcycle. When they reached about half kilometer ahead of their village, accused Gurmeet Singh, Gurwinder Singh, Gurjant Singh and Satnam Singh waylaid them and were armed with dandas, iron roads, etc. They inflicted injuries on the person of his brother with lathi, dandas and iron rods and due to

injuries, both legs and hands of his brother had broken. Due to fear and serious condition of his brother, the complainant raised hue and cry, upon which Raj Kumar rushed to the spot and he saved his brother from the clutches of the assailants. All of them with intention to kill his brother, had struck their tractor with the motorcycle of Balkaran Singh and tried to run over his brother and thereafter, they fled away from the spot.

Learned counsel for the petitioner contends that as per the FIR, 4 accused persons including the petitioner attacked victim Balkaran Singh (brother of the complainant). Learned counsel has pointed out that after completion of the investigation, 3 co-accused of the petitioner were found innocent and only the petitioner has been sent to face trial. It is pointed out that none of the injuries sustained by the victim was declared as dangerous to life in the opinion of doctor dated 06.11.2019. He submits that the offence under Section 307 IPC was added subsequently. He further submits that the investigation of the case is complete and, therefore, further custody of the petitioner may not be necessary.

On the other hand, the prayer is opposed by learned counsel appearing on behalf of the complainant as well as learned State counsel, who is assisted by HC Pardeep. It is argued that the victim was travelling with his brother (complainant) and the accused struck their tractor against the said vehicle and tried to run over the victim. However, it is not disputed that no injury was suffered by complainant Harjinder Singh.

Considering the above, the custody of the petitioner and the fact that the trial of the case is likely to consume considerable time to conclude, therefore, this Court finds no reason to decline the prayer made by the petitioner. 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 Sirsa.

The petition is allowed.

25.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No