

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

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**CRM-M No. 17252 of 2020
Date of decision:22.9.2020**

HARMESH SINGH @ MESHI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Jatinder Pal Singh, Advocate
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through
video-conferencing.

Petitioner seeks regular bail in his second attempt in
case bearing FIR No.17 dated 10.2.2018 registered under
Sections 452, 324, 323, 148, 149 IPC and Sections 307, 326
IPC (added later on) at Police Station Dharamkot District
Moga.

Earlier CRM-M No.15410 of 2019 filed by the
petitioner was dismissed as withdrawn vide order dated
14.2.2020.

Learned counsel for the petitioner submits that a

cross case was registered against the complainant party vide DDR No. 032 dated 10.2.2018 under Sections 323, 324, 148, 149 IPC, in which challan has also been presented before the competent court. As per the allegations in the FIR, daughter of the complainant, namely, Sandeep Kaur and brother of the petitioner, namely, Inderjeet Singh were having some relations. Said relationship was not acceptable to the family of the complainant party. The complainant party caused injuries to Inderjeet Singh and a complaint was made before the police. The issue was compromised with the intervention of the panchayat. It was decided that both the parties will maintain peace and in the event of any violation of the understanding between them, the erring party shall be punished with a fine of Rs.50,000/-. Injured Darshan Singh also signed the same understanding.

According to learned counsel for the petitioner, on 7.2.2018, Darshan Singh and his other family members confined the petitioner in their house and gave beatings to him. He was only released after intervention of the panchayat. On 8.2.2018, the complainant party attacked the petitioner with deadly weapons, when he was passing by the house of the complainant. When the uncle of the petitioner tried to save him, he was also inflicted with minor injuries. Petitioner was

hospitalized by his father.

The FIR in question was got registered by the complainant party, under Sections 452, 324, 323, 148, 149 IPC. Offence under Section 326 IPC was added vide Rapat No. 18 dated 30.6.2018. Offence under Section 307 IPC was also added vide Rapat dated 7.6.2018. Darshan Singh was taken to Civil Hospital, Moga and from there, he was referred to DMC, Ludhiana. Instead of taking him to DMC, Ludhiana, he was taken to private hospital i.e. MHC Hospital. Opinion with regard to offence under Section 307 IPC was given after four months of the alleged occurrence. Learned counsel for the petitioner further submits that challan stands presented in the present case.

In view of version and cross-version, it would be debatable as to which of the party was aggressor. Petitioner is in custody since 25.1.2019 i.e. 1 year, 7 months and 27 days.

Learned State counsel, admits the factual position between the parties, however, opposes the bail on the ground that the petitioner is author of head injury on the person of Darshan Singh with a *kirpan* blow.

Keeping in view the aforesaid facts and circumstances and the fact that the trial of the case may take some time in its culmination due to the situation arising out of

Covid-19 pandemic, it would be just and appropriate to grant regular bail to the petitioner.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

September 22, 2020

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Whether reasoned/speaking

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No