

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

CRM-M-20148-2020 (O&M)
Date of decision : 20.08.2020

Harwinder Singh @ Harvinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. G.K. Mann, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab.

Mr. Vijay Lath, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

CRM-20206-2020

Allowed as prayed for, subject to all just exceptions.

Main case

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.100 dated 04.12.2018, registered under Sections 307, 323, 452, 506 and 148 read with Section 149 of the Indian Penal Code (for short, 'the IPC') (Sections 307, 452 and 148 read with Section 149 IPC deleted and Section 326 IPC added subsequently), at P.S. Khamano, District Fatehgarh Sahib.

Contents that it is a case of version and cross-version. She refers to the MLRs of co-accused Amarjeet Singh (Annexure P-3),

Jaswinder Singh (Annexure P-4) and petitioner-Harwinder Singh (Annexure

P-5) to contend that the accused also suffered multiple injuries. Initially, the FIR was registered under Sections 307, 323, 452, 506 and 148 read with Section 149 IPC. However, Sections 307, 452 and 148 read with Section 149 IPC stand deleted and now Section 326 IPC has been added. The deletion of Section 452 IPC would show that in fact, the complainant party are the aggressors. Further, she refers to the MLR of injured Paramjit Kaur, wife of the complainant, wherein, only one injury, not attributed to the petitioner, has been noticed. The petitioner was allowed bail on 08.07.2019 and remained as such till 08.12.2019 when Section 326 IPC was added. Learned counsel has also referred to photograph of co-accused Amarjeet Singh (Annexure P-6) to contend that the complainant party are mischievous persons and involved in as many as five FIRs reflected in paragraph No.24 of the petition. Co-accused Amarjeet Singh and Jaswinder Singh have already been admitted to bail.

On the other hand, learned State counsel has opposed the instant petition. It is informed that the report under Section 173 Cr.P.C. has been prepared and is likely to be presented soon.

Heard.

Admittedly, there is a land dispute pending between the parties who are co-villagers and asserting right over a piece of land. Both the parties received injuries in the incident. The petitioner, though involved in four other FIRs, but out of those cases, one is under Section 354 IPC whereas, the rest pertain to demarcation of the land and have been lodged by the complainant or his family members. In this case as well, cross-version also stands recorded. The petitioner did not misuse the concession of bail earlier granted to him. The report under Section 173 Cr.P.C. is yet to be

presented, therefore, the conclusion of trial may take a considerable time. Therefore, this Court feels that no useful purpose would be achieved by keeping the petitioner under further incarceration.

In view of the above and without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.08.2020
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No