

In virtual Court

CRM-M-25474-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25474-2020 (O&M)
Date of decision: 08.09.2020

Bhagwan Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.086 dated 06.04.2020 under Sections 147, 149, 188, 323 IPC and Section 307 IPC (added subsequently), registered at Police Station Sirsa Sadar.

Learned counsel for the petitioner relies upon the order dated 11.08.2020 passed in CRM-M-20731-2020, vide which co-accused Ramesh Kumar has been granted the concession of regular bail, by making the following observations: -

“Counsel for the petitioner submits that initially the FIR was registered under Section 323 IPC, in which the petitioner was granted bail. However, Section 307 was added later on. Counsel for the petitioner further submits that it is case of version and cross version and as per the allegations in the FIR, two persons,

i.e. the petitioner Ramesh Kumar and Bhagwan Singh have caused injury with stick on the head of the victim and, therefore, it is a matter of trial to be decided as to who has caused this injury.

Counsel for the petitioner has referred to the FIR registered at the instance of Gurnam Singh to submit that it is so stated in the FIR that two persons have caused injuries.

Counsel further submits that from the side of complainant-Gurnam Singh, Meera Bai and Parkash Kaur have suffered three injuries and one injury, respectively, and in the cross-version recorded on the statement of Bhagwan Singh, the petitioner has sustained 03 injuries and Bhagwan Singh sustained 04 injuries and similarly Mahender Singh has also sustained 04 injuries and Gurnamo Bai has sustained 01 injury. Counsel also states the fact that 05 persons from the side of the petitioner have suffered injuries to show that the complainant party was aggressor.

Counsel for the petitioner further submits that the petitioner is in custody for the last about 3½ months; investigation is complete and the petitioner is not involved in any other case and it will take some time in conclusion of the trial.

Learned State counsel has not disputed the factual position that both the sides have suffered injuries in a fight and it is a case of version and cross-version.

After hearing learned counsel for the parties; considering the submissions made by counsel for the petitioner; the petitioner is in custody for the last about 3½ months; investigation is complete; the petitioner is not involved in any other case and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned....”

Learned counsel for the petitioner submits that allegations against

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the petitioner are also of similar nature, as the complainant alleges that petitioner Bhagwan Singh along with co-accused Ramesh Kumar has caused injury on head of the victim, therefore, it is to be decided during the trial, as to who has caused the injury. It is further submitted that the petitioner himself has suffered four injuries by blunt weapon at the hands of complainant party, who are accused in the cross-version.

Learned State counsel has not disputed the factual position and submits that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that challan stands presented and the petitioner is in custody since 28.04.2020 and is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

08.09.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No