

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 206)

(1) CRM-M-26018-2020
Date of Decision : 14.09.2020

ROOP CHAND AND OTHERS

....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

(2) CRM-M-26689-2020

PIARI BAI

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

(Through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Impinder Singh Dhaliwal, Advocate for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Gurinder Singh Hayer, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

These are two petitions filed under Section 439 Cr.P.C. for grant of regular bail in respect of the same case DDR No 23 dated 10.05.2020, under Sections 452, 323, 324, 506, 148, 149, 188, 269 of Indian Penal Code, (Sections 307, 326, 450 of Indian Penal Code as well as offence under Section 51 of Disaster Management Act, 2005 and Section 03 of Epidemic Disease Act, 1897 added later) and (Sections 302 and 452 of

Indian Penal Code deleted later on), registered at Police Station Lambi, District Shri Muktsar Sahib, being disposed of by the common order.

Learned counsel for the petitioner prays that petitioner No.2 in CRM-26018 of 2020 be allowed to withdraw the bail application at this stage.

Ordered accordingly.

Learned counsel for the petitioners states that petitioners No. 1 and 3 in CRM-26018-2020, namely, Roop Chand and Vakeel Ram, who are stated to be armed with stick and the petitioner in CRM No. M-26689 of 2020, namely, Piari Bai 72 years of age who is stated to be armed with *Sota*, though have inflicted injuries upon the deceased and other injured persons, as the case may be, but all the injuries, attributed to petitioners No. 1 and 3 in CRM-26018-2020 and Piari Bai (petitioner in CRM-M-26689-2020), are simple in nature. Learned counsel for the petitioners submits that, has inflicted a simple injury on the injured. Learned counsel for the petitioners further submits that this is a case of fight between the two families for which FIR was got registered by the petitioners and a cross-version was got registered by the complainant vide DDR concerned in which the petitioners are praying for the grant of bail. Learned counsel for the petitioners submits that no grievous injury has been attributed to petitioners No. 1 and 3 in CRM No. M-26018 of 2020 and petitioner in CRM No. M-26689 of 2020 and, therefore, they are entitled for the grant of bail.

Learned State counsel concedes that the contentions raised on behalf of petitioners No. 1 and 3 in CRM No. M-26018 of 2020 and petitioner in CRM No. M-26689 of 2020 that they have inflicted simple

injuries with wooden stick, is correct.

Learned counsel for the complainant also concedes the facts, which have been noticed herein before.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, this is a case of fight between the two families, where, an FIR was registered on the asking of the petitioners and a cross-version was registered on the asking of the complainant and it is not disputed that the injuries inflicted by petitioners No. 1 and 3 in CRM No. M-26018 of 2020 and the petitioner in CRM No. M-26689 of 2020 with the wooden stick upon the victim are simple in nature. Petitioners have made out a case for the grant of bail, as they are already behind the bars for the last four months and the trial is likely to take some time.

Keeping in view the said fact, petitioners No. 1 and 3 in CRM No. M-26018 of 2020, namely, Roop Chand and Vakeel Ram as well as petitioner in CRM No. M-26689 of 2020, namely, Piari Bai, are granted the benefit of regular bail.

Without commenting upon the merits of the case, it is directed that petitioners No. 1 and 3 in CRM No. M-26018 of 2020, namely, Roop Chand and Vakeel Ram and the petitioner in CRM No. M-26689 of 2020, namely, Piari Bai be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case.

Learned counsel for the petitioners undertakes that petitioners No. 1 and 3 in CRM No. M-26018 of 2020, namely, Roop Chand and Vakeel Ram and the petitioner in CRM-M-26689 of 2020, namely, Piari Bai

will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

It is made clear that in case petitioners No. 1 and 3 in CRM No. M-26018 of 2020, namely, Roop Chand and Vakeel Ram and the petitioner in CRM No. M-26689 of 2020, namely, Piari Bai are found involved in any other case hereinafter, the present order will also be liable to be reviewed.

September 14, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No