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

**CRM-M No.51953 of 2019
Date of Decision: 25.02.2020**

BALJIT SINGH @ PAPPUPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. J.S. Dhaliwal, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.370 dated 11.05.2019, registered under Sections 308/323/447/148/149/506 IPC at Police Station Nihal Singh Wala, District Moga.

As per allegations in the FIR, on 10.05.2019, Navdeep Singh son of Iqbal Singh was driving the tractor. Petitioner was sitting on the mudguard of tractor. Harpreet Singh @ Happy, was armed with *kha*. Randhir Singh @ Dheera and Nirmal Singh were armed with *kasia*. They came to the field of the complainant and started laying of vut (division) of in-let

(khal) in the field of the complainant. On being objected, Baljit Singh @ Pappu made *lalkara* and asked Happy and others to hold the complainant and throw him in front of the tractor. Harpreet Singh @ Happy, Randhir Singh @ Dheera and Nirmal Singh while holding son of the complainant from his arms and legs immediately threw him in front of the tractor. Then Baljit Singh @ Pappu Singh again exhorted and encouraged Navdeep Singh to run over the tractor over son of the complainant and finish the work. Navdeep Singh escalated the race of the tractor and brought it over the son of the complainant by crossing over the stomach and chest of son of the complainant.

During course of investigation Navdeep Singh has been found innocent.

Learned counsel for the complainant submitted that the complainant has taken all legal steps to bring the real culprits to the books.

The prosecution has filed an application under Section 319 Cr.P.C. and the complainant has filed a petition for the issuance of necessary directions for appropriate investigation of the case.

The challan has been presented. Out of 24 prosecution

witnesses, none has been examined so far except the examination-in-chief of the complainant.

The aforesaid factual position has been admitted by learned State counsel on instructions from ASI Chamkaur Singh.

Petitioner is in custody since 25.05.2019. Only *lalkaras* have been attributed to the petitioner on two occasions. Driver of tractor i.e. Navdeep Singh has already been declared to be innocent. The case appears to be arguable.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 25.05.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on 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.

February 25, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No