

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

203

CRM-M-55235-2019  
Date of decision: 07.10.2020

Gurpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Rahul Sharma-1, Advocate, Advocate  
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab  
for the respondent-State.

Mr. Manoj Kumar, Advocate for the complainant.

**SUVIR SEHGAL J. (ORAL)**

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 pandemic.

Through the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973, the petitioner seeks regular bail during the pendency of trial in case FIR No.89 dated 31.03.2018, registered under Sections 302, 307, 325, 324, 323, 148, 149 and 427 IPC at Police Station City Rajpura, District Patiala.

As per the version of the prosecution, the FIR was registered

on the statement of Gurtej Singh and the genesis of the dispute was exchange of foul words between the complainant party and the accused. On 31.03.2018, the complainant along with Sohan Singh @ Sohna, Sukhwinder Singh @ Sukha, Lovepreet Singh, Sandeep Singh, Kamaljit Singh went to Khalsa Service Station on motorcycles, where Gurkirat @ Lambar, Jaskaran Bedi, Ashish Kumar @ Billa, Tota (present petition) and 35-40 other persons were already present and were armed with swords, kirchs and sticks. They attacked the complainant and his companions. Ashish @ Billa slashed the right cheek of the complainant with a sword. Pannu and Tota gave kirch blows in the stomach of Sandeep and Sohan Singh with an intention to kill them. As a result of the injury sustained, Sohan Singh later expired. On an alarm raised by them, a number of vehicles stopped and the armed accused fled away from the spot. The petitioner was arrested on 28.04.2018.

Gurpreet Singh @ Tota, petitioner herein, lodged a cross-case under Sections 452, 324, 323, 148, 149 of IPC wherein he stated that he was running Khalsa Service Station on rent and Ashish @ Billa works with him. He undertakes the repairs of vehicles and stays at the service station. On 31.03.2018 when he, Gurkirat @ Lambar and Gurwinder Singh were washing a truck at the service station, Sukhwinder Singh rang up Gurpreet Singh and threatened him that he was coming to the service station and they should prepared themselves. Ashish @ Billa called a few friends to ensure their safety. The complainant party comprising of 14 to 15 young boys came on motorcycles armed with datar, swords and sticks. Gurtej inflicted a sword blow on the left hand of Ashish and Sukhwinder

gave a sword blow on Gurkirpal which hit him on his right arm and another blow on his right cheek. In the fight which ensued between the two groups, both the sides suffered injuries.

Counsel for the petitioner has argued that the petitioner and his friends had acted in self defence. He submits that no injury to the deceased Sohan Singh has been attributed to the petitioner. He has relied upon the medico-legal report, Annexure P-4 to argue that Sandeep Singh did not have any head injury. He urges that from the cross-version lodged by the petitioner, it is apparent that the complainant party had attacked first. He further submits that the deceased, Sohan Singh, was involved in FIR No.0016 dated 22.01.2017 registered under Sections 302, 452, 324, 323, 148 and 149 of IPC lodged at Police Station Rajpura City. He has placed reliance on the order dated 20.11.2019, Annexure P-6 passed by this Court in CRM-M-21648-2019 and order of even date passed in CRM-M-6887-2020 whereby co-accused Gurkirat Singh and Jaskaran Singh Bedi have been granted regular bail by this Court. Counsel submits that the case of the petitioner is at par with the said co-accused.

Per contra, State counsel, upon instructions from ASI Avtar Singh, has argued that one of the injuries suffered by the deceased Sohan Singh was caused by the petitioner. According to him, the petitioner and his companions were the aggressors. He asserts that the case of the petitioner is not at par with that of the co-accused.

I have considered the rival submissions of the parties.

From a perusal of the FIR and the contents of the cross-case, it

is difficult to determine, at this stage, as to which of the two sides, is the aggressor. Insofar as the petitioner is concerned, he has been specifically named in the FIR and is alleged to have given a kirch blow in the stomach of the deceased Sohan Singh.

Still further an examination of the order dated 20.11.2019, Annexure P-6 and order of the even date passed by this Court granting regular bail to Gurkirat Singh and Jaskaran Singh Bedi, shows that no role has been attributed to both the co-accused, whereas the petitioner has actively participated in the incident and has caused injury in the vital part of the body of not only the deceased Sohan Singh but even Sandeep Singh. Still further, the complainant has been examined in-chief by the trial Court but he is yet to be cross-examined. Therefore, this is not the stage for grant of bail to the petitioner.

His petition for bail is, accordingly, dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

**07.10.2020**

pooja saini

**(SUVIR SEHGAL)**

**JUDGE**

Whether Speaking/Reasoned : Yes/No

**Whether Reportable : Yes/No**