

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51-2021 (O&M)
Date of Decision:- 15.3.2021

Ajaib Singh	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aman Dhir, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sinder Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.98, dated 21.7.2020, Police Station City Samana, District Patiala, under Sections 341, 323, 148, 149 IPC (Sections 325 and 307 IPC added later on).
2. The FIR was lodged at the instance of Harpal Singh wherein it is alleged that on 20.07.2020 when he along with his brother Sukhwinder Singh, Nirbhai Singh, Krishan Kumar and his son Gurleen were going towards their fields then they were surrounded by Ajaib Singh, Sukhdev Singh, Pritam Singh, Manpreet Singh, Kalu, Parma Singh, Chatin Singh, Gurjant Singh, Jagdish Singh, Mishra Singh, Major Singh, Satnam Singh and Baljeet Singh and who all

attacked them with 'sticks', 'swords' and '*gandasis*' and on account of which the complainant, his brother Sukhwinder, Krishan Kumar, Nirbhai Singh, Sukhminder Singh and his son Gurleen Singh sustained injuries. Subsequently on 06.08.2020, a supplementary statement of the complainant was recorded wherein the attributed injuries to the accused specifically and as per which the petitioner is alleged to have inflicted a blow with '*gandasi*' from its reverse side on the head of Krishan Kumar. The said injury was declared as a 'grievous injury'.

3. The learned counsel for the petitioner has submitted that although no injury was specifically attributed to the petitioner in the first instance in the FIR but subsequently by way of supplementary statement the complainant made improvements and attributed a specific injury to the petitioner. It has further been submitted that although a manoeuvred opinion was obtained by the complainant to mislead to the effect that the injury on the head of Krishan Kumar was dangerous to life, but subsequently the Board of Doctors has opined to the contrary and has simply observed that the injury is 'grievous'.
4. The learned counsel has further submitted that in the instant case genesis of occurrence has been suppressed inasmuch as 4 persons from the side of the accused have also sustained injuries including injury on head of three of the injured. The learned counsel in this regard has drawn the attention of this Court to the MLR of Maya Kaur (Annexure P-3), MLR of petitioner Ajaib Singh (Annexure P-4),

MLR of Satnam Singh (Annexure P-5) and MLR Kalu Singh (Annexure P-6).

5. Opposing the petition, learned State counsel has submitted that since the petitioner is attributed a 'grievous injury' on the head of Krishan Kumar, no case for grant of bail is made out. The learned State counsel has however, not disputed the fact that as per MLRs (Annexure P-3 to P-6), four persons from the side of the accused have also sustained injuries. It has also been informed that the petitioner as on date has been behind bars since the last about 3 months and that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that four persons from the side of accused have also sustained injuries including injuries on head of the three of the persons, it would be debatable as to which of the party is aggressor. In any case, since the petitioner has been behind bars since the last about 3 months and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 15, 2021

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No