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

CRM-M-18174-2021

Date of Decision: 10.05.2021

Satvinder Singh @ Gholu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harneet Singh Oberoi, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. A.D.S. Sukhija, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.84 dated 08.03.2021 registered under Sections 308, 323, 325, 506 and 34 IPC, 1860 at Police Station Sohana, District SAS Nagar. The petitioner is in custody since his arrest on 25.03.2021.

The FIR was registered on the basis of statement of complainant Sukhwinder Singh and the allegations noticed by the Addl. Sessions Judge, SAS Nagar in the order dated 12.04.2021, while declining the bail application of petitioner, read as under:

“Succinctly stated the present FIR was registered on the statement of complainant Sukhwinder Singh son of Pritpal Singh on the allegations that he is resident of Village Kurda, Police Station Sohana, District SAS Nagar. It is stated that he is an agriculturist. It is stated that accused Ghola resident of Amlala owe Rs.10,000/- since 3 years to him. On 05.03.2021, complainant went to the village of accused Ghola. Said Ghola told the complainant that he will pay the amount to him on 06.03.2021 as he is to visit village for purchasing Buffalo of Jaswinder Singh. Accordingly, on 06.03.2021 at about 10:00 A.M., Ghola Singh met the complainant in the

street where the house of Jaswinder Singh is situated. At that time, Ghola Singh was accompanied with Jaswinder Singh, wife of Jawinder Singh namely Rajwinder Kaur and Gulzar Singh. At that time, a scuffled has been taken place between complainant and Ghola Singh due to the said amount. Jawinder Singh, Gulzar Singh and his wife also started helping him. After hearing the noise, uncle of complainant Jaswant Singh came at the spot and confronted the said person. Then Jaswinder Singh has taken a iron pipe from inside the house and he gave a blow on the right leg of his uncle Jaswant Singh. Due to this, uncle of the complainant fell down on the ground. Jaswinder Singh also gave another blow of iron pipe to Jaswant Singh. Gulzar Singh gave a brick stone blow to the complainant, which landed on the left ear of the complainant. Thereafter, he again gave two brick stone blows out of which one landed on the left cheek of the complainant whereas third blow was landed on his shoulder. Complainant and his uncle raised alarm "maarta maarta". In the meantime, cousin of complainant, namely, Tarlochan Singh came at the spot. Thereafter, some other persons also gathered. Then Jaswinder Singh also gave a iron pipe blow to Tarlochan Singh, which landed on the right side of head of Tarlochan Singh. Due to this, Tarlochan Singh fell down on the ground. Thereafter, accused persons fled away from the spot along with their weapons giving threats of life while seeing the people gathering at the spot."

Learned counsel for the petitioner has argued that in the alleged occurrence dated 06.03.2021, three persons were injured and initially the FIR was registered for the offences punishable under Sections 323, 325, 506 and 34 IPC and subsequently, the offence punishable under Section 308 IPC was added. Learned counsel further contends that the petitioner did not cause any injury to any of the injured persons, therefore, the further custody of the petitioner may not be necessary, particularly when his co-accused, namely, Jaswinder Singh has been released on bail vide order dated 16.04.2021 (Annexure P-4). According to him, the injury inviting the offence punishable under Section 308 IPC is attributed to co-accused Jaswinder Singh. He prays for bail.

On the other hand, the prayer is opposed by learned State

learned counsel for the complainant. Learned counsel for the complainant contends that the victim Jaswant Singh has suffered fracture of his leg, whereas another injured, namely, Tarlochan Singh suffered head injury resulting in fracture. According to him, the offences are serious in nature, therefore, the petitioner does not deserve the concession of regular bail. However, it is not disputed by the learned counsel that the above injuries have not been attributed to the petitioner.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the fact that the investigation of the case is nearly complete, but the challan is yet to be filed, therefore, the trial is likely to consume considerable time to conclude. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the state governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

10.05.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No