

208

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

Date of Decision: 25.05.2021

1. CRM-M No.19427 of 2021(O&M)

Gagandeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

2. CRM-M No.19659 of 2021(O&M)

Varinder Singh @ Mangal

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Sahil Puri, Advocate

for the petitioner in CRM-M No.19427 of 2021.

Mr. Rahul Jaswal, Advocate

for the petitioner in CRM-M No.19659 of 2021.

Mr. Amar Ashok Pathak, Addl., A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The cases have been taken up for hearing through
video conferencing.

Vide this common order, CRM-M No.19427 of 2021
titled Gagandeep Singh Vs. State of Punjab and CRM-M

No.19659 of 2021 titled Varinder Singh @ Mangal Vs. State of Punjab are being disposed of.

Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.105 dated 18.09.2020 registered under Sections 326, 307, 324, 323, 148, 149, 120-B IPC (Section 307 IPC has been deleted vide rapat No.18 dated 05.03.2021) at Police Station Begowal, District Kapurthala.

At the very outset, learned counsel for the petitioner(s) submits that the offence under Section 307 IPC has been deleted vide rapat No.18 dated 05.03.2021. Now only surviving offences are under Sections 326, 324, 323, 148, 149 and 120-B IPC.

FIR in question was registered at the instance of Davinder Kaur complainant with the allegations that her marriage was solemnized on 05.06.2010 with Lakhwinder Singh. Two children took birth out of this wedlock. Elder is Taranpreet Kaur aged 9 years and younger is Sehajpreet Singh aged 5 years. After the marriage, husband Lakhwinder Singh, in-laws of the complainant and brother-in-law Baljeet Singh used to harass the complainant. Sister-in-law Sukhwinder Kaur and brother-in-law Baljeet Singh had thrown her out of the house and she came to her parental house. After October 2019, the complainant was living in a rented room and her sister

Sumandeep Kaur came to her. On 17.09.2020, the complainant and her sister Sumandeep Kaur went to market and were coming back to the house at about 7:00 PM. When they reached in front of their gate, Baljinder Singh @ Bobby, Baljeet Singh (brother-in-law of the complainant) and 5-6 unknown persons were found standing there duly armed with sword and datar. Baljeet Singh raised a lalkara. Baljinder Singh and Baljeet Singh tried to give kirpan blow on the person of the complainant. Remaining persons also gave blows with datar on the person of the complainant, which hit on her arms, hands and legs. Sister of the complainant raised alarm and on seeing the people gathering there, the accused persons fled away from the spot.

As per MLR, the complainant received 12 injuries. Injuries No.1, 2, 4, 5, 6, 7, 8, 9 and 10 were caused with sharp edged weapon. Injuries No.3, 11 and 12 were caused with blunt weapon. Only injury No.4 was declared to be grievous in nature. The authorship of injury No.4 on the basis of challan submitted by the police would remain debatable.

Learned State counsel submits that challan has been presented and injury No.4 is the result of collective effort made by the accused party.

Since the offence under Section 307 IPC has already been deleted, therefore, authorship of injury No.4 would totally

dependent upon nature of evidence to be led by the prosecution. Petitioner(s) is/are in custody since 07.12.2020. Challan has been presented but charges have not been framed so far. Trial of the case may take some time in its culmination.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioners on regular bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

25.05.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No