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

**CRM-M No.22555 of 2021
Date of Decision: 03.08.2021**

Amarjit Singh and another

.....Petitioners

Vs

State of Punjab

.....Respondent

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

Present:Mr. Salil Dev Singh Bali, Advocate
for the petitioners.

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

(Through Video-Conferencing)

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.173 dated 22.11.2020, registered under Sections 324, 323 and 34 of Indian Penal Code, 1860 (offence under Sections 307, 308, 326 IPC added later on) at Police Station Kulgari, District Ferozepur.

As per prosecution case, the FIR was registered on the statement of Rashpal Singh-injured with the allegations that on 21.11.2020, he and his brother Darbara Singh were returning to their house at 7:30 PM. Mukhtiar Singh and Jeeta were hurling abuses to the women folk. On this, Darbara

Singh after reaching near to their house confronted Amarjit Singh, Amarjit Singh was having 'Kirpan', Mukhtiar Singh was having 'Spade', Jeeta was having Pitchfork (Kanga). Jeet Singh gave 'Pitchfork blow on the head of Darbara Singh. He again gave pitchfork blow on the head of Darabara Singh. Darbara Singh fell down. Thereafter, Mukhtiar Singh gave spade blow on his head. Thereafter, they dragged him towards their field. The complainant ran towards his brother and lifted him and put him in 'Jada'. Jeeta came running towards the complainant and gave pitchfork blow on his head towards the left side above the eyes. The complainant took step in backward direction, then Amarjit gave 'kirpan' blow on the head of the complainant towards the right side of the ear and he fell down. Thereafter, Mukhtiar Singh gave spade blow on the head of the complainant and started pulling him towards his fields. On raising alarm, the assailants ran away from the spot.

As per medico-legal report of Darbara Singh, he received two injuries. Injury No.1 is attributed to co-accused Jeet Singh and the same has been declared to be dangerous to life. Injury No.2 is simple in nature.

As per MLR, Rashpal Singh received three injuries. Injury No.1 is grievous in nature i.e. falling under the ambit of under Section 326 IPC. Injuries No.2 and 3 are covered under Section 324 IPC.

Learned counsel for the petitioners submits that the petitioners are authors of injuries falling under Section 324 IPC only. Injury No.1 on the person of Rashpal Singh is also attributed to Jeet Singh.

The aforesaid factual position has not been disputed

by learned State counsel that the petitioners are authors of injuries under Section 324 IPC.

Learned State counsel submits that challan has been submitted on 20.04.2021 but charges have not been framed so far. Petitioners are in custody for the last more than 4 months.

At this stage, without adverting to the merits of the case, I am of the view that petitioners, who are in custody for the last more than 4 months can be enlarged on bail.

In view of above, petition is allowed. Petitioners are ordered to be released on bail, subject to their 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.

August 03, 2021

geeta

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No