

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

CRM-M-25019 of 2021(O&M)
Date of Decision: 20.12.2021

Davender Singh @ Gaggu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Arpandeeep Narula, Advocate for the petitioner.

Mrs. Mamta Singla Talwar, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.41 dated 17.02.2020 under Sections 148, 149, 307, 323, 34 IPC and Section 25 of the Arms Act registered at P.S Kalanwali, District Sirsa.

As per allegations in the FIR, on 16.02.2020, at about 8.00 o'clock, when the complainant Sukhraj Singh reached his home, his wife Karamjit told him that 10-15 young boys of the village hurled abuses at them. Out of them she identified Gaggu (petitioner), Janta and Gabra Master but could not identify others. The boys again came back and spoke filthy language again. When the complainant tried to stop them, then Gaggu fired from his pistol, which hit on his right hand. Janta and Gabra Master attacked the complainant on his head with sharp edged weapons besides giving threats to eliminate him. When the complainant went to Odhan Hospital, all of them broke his car and fired on him and

did not let him get admitted in the hospital.

Learned counsel for the petitioner submits that the petitioner has falsely been roped in. It is a case of version and cross-version. FIR No.40 dated 17.02.2020 has been registered against the complainant Sukhraj Singh @ Kala, his son Karanvir and one Ex-Sarpanch Beant, who had caused injuries to the petitioner-Davinder Singh @ Gaggu. It was the complainant's side, who were the actual aggressors. From perusal of medical record, it is evident that the petitioner himself suffered a grave fire-shot injury. Three persons from the petitioner's side suffered injuries, while only the complainant has suffered injuries on other side. Challan has already been presented and no recovery has to be effected from the petitioner and that he has been in custody since 05.03.2020.

Ld. State counsel has stated that there are many other cases against the petitioner.

Upon this, Ld. Counsel for the petitioner states that the petitioner is on bail in all other cases, except the present one and the trial is going on. He further states that co-accused Harjinder Singh has been allowed the benefit of anticipatory bail vide order dated 11.11.2020, while another co-accused Gurjant Singh @ Janta (named in the FIR along with the petitioner) had been granted the interim relief of 'stay arrest' vide order dated 06.05.2020, however, he expired before the next date of hearing.

The complainant - **Sukhraj Singh** suffered following injuries:

“1. LW on PT side of hand about (forearm) k/u/o Blunt within six hours – Blacking, Bleedy, Sully – Ad Xray RT side of Forearm and Surgeon Opinion

2. Mutiple incised wound present on skull k/u/o Sharp within six hours – Ad Xray skull surgeon opinion.”

On the other side, three persons from the petitioner's side, including him, suffered following injuries:

Davinder Singh @ Gaggi (petitioner):

“1. Incised wound on skull (6cmx3cm) k/u/o sharp within six hours – Ad Xray of Skull

2. Multiple LW round in shape diameter 1 cm k/u/o Blunt within six hours – Inverted margin plant on left shoulder region – Within radius of 8cm x 3 cm within corresponding – Mark on clothes – Fresh Bleedy – Multiple – Ad Xray Left side of shoulder Surgeon Opinion

3. LW on Chest (multiple) – Bleedy fresh (left side cut) (Oval in shape in diameter 1 cm radius (4cm x 1 cm) – Ad Xray of Chest Surgeon Opinion.”

Lakhwinder Singh:

“1. Multiple incised wound on skull k/u/o sharp within 6 hours-

(i) 3cm x 2 cm

(ii) 2 cm x 1 cm

(iii) 3 cm x 1.5 cm

Ad – Xray Skull Surgical Opinion

2. LW on frontal part skull Ad-Xray Skull k/u/o Blunt within 6 hours”

Lakhveer :

“1. Multiple LW around in shape k/u/o Blunt within 6 hours – Diameter (1cm) invented in – Place on left side shoulder (below) – On arm within radios (8cm x 2 cm) –

Fresh Bleedy - Ad – Xray of left side Forearm, arm, shoulder – Surgeon Opinion

2. *LW on left side of chest k/u/o Blunt within 6 hours – Ad Xray Surgical opinion”*

I have heard Ld. Counsel for the parties and perused the paper-book.

In the incident, both the sides have suffered injuries. The petitioner is behind bars since 05.03.2020 i.e. for the last more than one year and nine months. The investigations in the instant case as also in the cross-version are complete and the trial is going on, which may take long time, considering the Covid-19 situation.

In view of the above facts and circumstances, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

December 20, 2021

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No