

Date of Decision: 05.08.2021.

...Petitioner

...Respondent

Present: Mr. Arnav Sood, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. A.P.S. Rehlan, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner pending trial in case FIR No.0079 dated 08.05.2021, registered under Sections 307, 326, 341, 452, 323, 148 and 149 of IPC, 1860, at Police Station Mukerian, District Hoshiarpur.
3. Learned counsel contends that a fight took place on 06.05.2021, leading to the registration of the instant case, that the only injury attributed to the petitioner is a *dang* blow on the right cheek and left thigh of complainant-Nanak Singh and no grievous injury is attributed to the petitioner. Learned counsel further contends that the petitioner also got registered DDR No.56 dated 08.05.2021, under Sections 323, 324, 452, 148 and 149 IPC, 1860 at Police Station Mukerian, in case FIR No.0079 dated 08.05.2021, under Sections 307, 326, 341, 452, 323, 148 and 149 of IPC, 1860, at Police Station Mukerian, District Hoshiarpur and that the petitioner

also received three simple injuries i.e.

- (i) incised wound 6x3 cm on right arm on anterior aspect of arm 8 cm below the shoulder joint, fresh bleeding present ;
- (ii) incised wound 3x1 cm on the inner aspect of little finger of left hand near distal inter phalanx joint, fresh bleeding present and
- (iii) reddish bruise 2x2cm present above the molar prominence of right cheek just below the lateral angle of right eye.

Learned counsel contends that co-accused, Kashmir Singh, who is similarly situated as the petitioner and who inflicted a baseball bat blow on the chest of Navjot Singh, as also on Rajwinder Kaur, daughter of the complainant, besides two baseball bat blows on the complainant-Nanak Singh, which hit on both sides of his shoulder, stands released on bail by the learned trial Court vide order dated 19.07.2021, by taking into account that he was in custody since 09.05.2021, injuries inflicted by him were simple in nature and that the injury on Navjot Singh, which was declared dangerous to life was not attributed to him, that it was a case of version and cross-version and from the side of accused party i.e. Ranjit Singh had also received injuries at the hands of complainant party for which DDR No.56 dated 08.05.2021, under Sections 323, 324, 452, 148 and 149 of IPC, 1860 had been registered at Police Station Mukerian, that the injured had been discharged from the hospital and was in satisfactory condition and recovery had also been effected from said Kashmir Singh, besides certain persons from the petitioner's side had been found to be innocent in the inquiry conducted and that the trial would take time to conclude.

4. Learned AAG, Punjab, confirms the factual position noted above while learned counsel for the complainant contended that Navjot Singh had been inflicted injury which was declared dangerous to life, therefore, the petitioner was not entitled to grant of bail. He, however, fairly concedes that the injury which was inflicted on the person of Navjot Singh and was declared dangerous to life is not attributed to the petitioner besides injured-Navjot Singh has been discharged from the hospital and challan has been presented though charges are yet to be framed.

5. I have considered the submissions of learned counsel for the parties. Admittedly, the only injury attributed to the petitioner is a *dang* blow on the right cheek and left thigh of complainant-Nanak Singh and no grievous injury is attributed to the petitioner, the injury which was inflicted on Navjot Singh which was declared dangerous to life is not attributed to the petitioner besides injured-Navjot Singh has been discharged from the hospital, challan has been presented though charges are yet to be framed, co accused Kashmir Singh has been released on bail, I am of the considered view that no useful purpose would be served by keeping the petitioner behind bars. Resultantly, the petition for regular bail is allowed and the petitioner is ordered to be released on regular bail during the pendency of the trial, subject to his furnishing bail / surety bonds to the satisfaction of the learned CJM / Trial Court / Duty Magistrate, concerned, provided he is not required in any other case. It is also made clear that the petitioner shall appear before the learned trial Court on each and every date and shall also abide by the conditions contained in Section 437(3) Cr.P.C.

6. Needless to mention, in case of violation of either of the conditions or involvement of the petitioner in any other case while he is on regular bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

7. Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

05.08.2021

'Rajesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No