

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22314 of 2020
Date of Decision: 14.01.2021

Lakhwinder Singh @ Lakhi Pathar

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vikas Arora, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. AG, Punjab.

Mr. Jagmeet Singh Moudgill, Advocate and
Mr. J.S. Bhinder, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through
video conferencing.

Petitioner seeks grant of regular bail under Section
439 Cr.P.C in case bearing DDR No.31 dated 26.09.2019,
under Sections 326, 324, 323, 148, 149 IPC. Offence under
Section 307 IPC was added later on.

FIR No.142 dated 19.07.2018 under Sections 307,
323, 148, 149 of Indian Penal Code, 1860 was registered at

Police Station City Sunam, District Sangrur with the allegations made by the petitioner as a complainant.

The prosecution story started with the allegation that on 18.07.2018 the petitioner(complainant in FIR) along with his family members after taking dinner went to sleep. At about 11:00 PM someone knocked the main gate. Father of the petitioner woke up and opened the gate. Jagdish Chand @ Jagu armed with axe, Farid Khan armed with sword, Ajay Kumar @ Ajay Bhaia armed with iron rod, Sukhdev Singh @ Raju armed with machete (weapon like kulhada), Ashish Pandit @ Ashu armed with sword, Sandeep Singh @ Bittu armed with axe, Kamu Bazigar armed with sword made entry in the house after pushing the gate. On seeing the assailants, the complainant stood up from his cot. The aforesaid persons started inflicting injuries with their respective weapons. The petitioner being complainant in the FIR has given specific attribution to the aforesaid assailants with reference to the injuries inflicted upon the complainant party. The petitioner also narrated that when he was lying on the floor, then in order to save himself, he used to bring Sandeep Singh @ Bittu on the floor by using him as a shield. Sandeep Singh @ Bittu faced all the attacks of weapons from his own party. The petitioner also received injuries at the same time. Father and brother of the petitioner also received injuries when

they came forward to save the petitioner. The mother of the petitioner i.e. Smt. Paramjit Kaur was also injured. On hearing noise, neighbours came thereon and on seeing them, the assailants lifted Sandeep Singh @ Bittu who was injured with sword injuries inflicted by his own persons along with their weapons and fled away.

The bail has been declined to the petitioner in DDR No.31 i.e. cross version recorded about more than one year after lodging of the FIR on the ground that Sandeep Singh has received head injury which has been declared as grievous in nature and that injury is attributed to the petitioner. The part attributed to the petitioner in cross version is that he inflicted gandas blow on the person of Sandeep Singh and Balbir Singh gave Kirpan blow on the rib of Sandeep Singh and there was incised wound of 20cm x 1 cm in the lateral aspect left of abdomen of Sandeep Singh. Sandeep Singh still is not in a position to attend his daily pursuits without the help of helper. He has also suffered paralytic stroke.

Having heard learned counsel for the parties, I find that cross version came to be recorded in DDR No.31 dated 26.09.2019 under Sections 326, 324, 323, 148, 149 IPC and Section 307 IPC added later on. FIR No.142 was registered on 19.07.2018 for the offences under Sections 307, 323, 148, 149

of Indian Penal Code, 1860 at Police Station City Sunam, District Sangrur. As per the allegations in the FIR, the receipt of injuries by Sandeep Singh @ Bittu at the hands of the petitioner would remain debatable as he was embarrassed by the petitioner and was used as a shield in order to protect injuries from fellow assailants of Sandeep Singh @ Bittu. The petitioner is in custody since 13.06.2020.

At this stage, without commenting anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Trial Court/ Duty Magistrate concerned.

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

14.01.2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No