

CRM-M-27125-2021 (O&M)

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

Decided on: November 17, 2021.

(1)

CRM-M-27125-2021 (O&M).

Kulwinder Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

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(2)

CRM-M-30176-2021 (O&M).

Jaskaran Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

(3)

CRM-M-30148-2021 (O&M).

Paramjit Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CRM-M-27125-2021 (O&M)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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**PRESENT Mr.R.S.Rai, Sr. Advocate,with
 Mr.Anurag Arora, Advocate,
 Ms.Eknoor Kaur, Advocate, and
 Mr.Amit Dhawan, Advocate,
 for the petitioners in all the three petitions.**

Mr.Randhir Singh Thind, DAG, Punjab.

**Mr.Kanwaljit Singh, Sr. Advocate, with
Mr.Amandeep Singh Jattan, Advocate,
Mr.Sunpreet Singh, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

This order will dispose of the above noted three petitions filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR No.24 dated 20.2.2020, registered under Sections 323, 324, 341, 148 and 149 IPC (offences under Sections 307, 325 and 326 IPC added later on), registered at Police Station, Adampur, District Jalandhar Rural.

Since the petitioners are accused in the same FIR, all the three cases are taken up together for adjudication and for the sake of brevity, the facts are taken up from CRM-M-27125-2021, titled Kulwinder Singh Vs. State of Punjab.

FIR in the present case was lodged on the basis of statement made by one Gobind Singh @ Gopi – complainant by alleging that on 18.2.2020 at 11:00 A.M. when he was going on his bullet motorcycle then present petitioners and some other persons attacked him.

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Kulwinder Singh (petitioner) gave a *datar* blow on him which hit on the backside of his head towards left. Gurjit Singh @ Jeeta gave reverse *datar* blow on his left leg and gave another reverse *datar* blow which hit on the backside of his right shoulder. Then Jaskaran Singh (petitioner) gave kirpan blow on Gurjit Pal Singh with intention to kill which hit on the backside of his head towards left and then Happy gave reverse *datar* blow which hit on the backside of his head towards right. Jaskaran Singh gave another kirpan blow which landed on his left hand finger and Happy gave another *datar* blow on Gurjit Pal Singh. In this way, injuries were caused upon the injured-complainant and the aforesaid FIR was lodged on 20.2.2020 and thereafter, Section 307, 326, 325 IPC were added on 23.2.2020.

Mr.R.S.Rai, Advocate, learned senior counsel appearing on behalf of the petitioners in all the three petitions has submitted that all the three petitioners are in custody and petitioner Kulwinder Singh is in custody for 6 months and 9 days, petitioner Jaskaran Singh is in custody for the last 5 months and 25 days and petitioner Paramjit Singh is also in custody for the last about six months. He submitted that it is a case where in fact, the complainant Gobind Singh @ Gopi along with other persons were the aggressor party and had attacked the petitioners' party and therefore, a cross-case was also registered in this regard. He submitted that there is a video footage of the incident where it can be seen that complainant Gobind Singh @ Gopi was chasing the petitioners and they were the aggressor party. He has further submitted that all the three petitioners are not involved

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in any other case whatsoever and they are not habitual offenders whereas complainant Gobind Singh @ Gopi is involved in three other cases and is a habitual offender. He referred to Annexure P-13 which is a status report filed by the Deputy Superintendent of Police, Sub Division, Adampur, District Jalandhar (Rural) when earlier petition for anticipatory bail was considered and while referring to para 11 of the said affidavit, he submitted that Gobind Singh, Sukhwinder Singh and Gurpreet Pal Singh, have a criminal history and were involved in following FIRs:-

1	FIR No.188 dated 24.10.2012 under Section 323, 324,325, 326, 506, 148,149 IPC, P.S Adampur	Sukhwinder Singh, Gurpreet Pal Singh
2	FIR No.69 dated 07.05.2013 under Section 420, 379,447, 448, 506, 120-B IPC P.S. Adampur	Gurpreet Pal Singh etc.
3	FIR No. 14 dated 14.01.2019 under Section 447, 427, 506, 511, 120-B IPC, P.S Rama Mandi Jalandhar	Sukhwinder Singh, Gurpreet Pal Singh and Gobind Singh

He submitted that be that as it may, now the investigation of the case is already complete and challan has been presented on 7.6.2021 and the case is yet to be committed to the Court of Sessions. He submitted that no recovery is to be effected from the petitioners and the trial of the case may take long time and therefore, all the petitioners may be considered for the grant of regular bail.

On the other hand, learned Deputy Advocate General, Punjab, has submitted that a status report has already been filed by the Assistant Superintendent of Police, Sub Division, Adampur, District

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Jalandhar (Rural) in which the details of injuries inflicted by the petitioners and also injuries inflicted by the complainant Gobind Singh and others in the cross-case have been mentioned. He submitted that both the parties were injured in the present case and both the parties have suffered serious injuries and after completion of investigation in the present FIR and the cross-case challan has been presented by the police. He further submitted that weapons used by the petitioners have also been recovered by the police and therefore, he has submitted that in view of the seriousness of the offence, the petitioners may not be granted the concession of regular bail.

Mr.Kanwaljit Singh, Advocate, learned senior counsel appearing on behalf of the complainant has submitted that in the present case although it was a cross-version case, it cannot be said that the complainant party was the aggressor party and rather the complainant party had received grievous injuries at the hands of the petitioners and therefore, the petitioners are not entitled for the grant of regular bail. Learned senior counsel has further submitted that one of the petitioners namely Jaskaran Singh when earlier released on interim bail had threatened the complainant Gobind Singh.

Learned senior counsel for the petitioner while replying to the submissions made by the learned senior counsel for the complainant has submitted that petitioner Jaskaran Singh was on interim bail due to death of his father on 2.9.2021 and the complaint was given by the complainant Gobind Singh on 6.9.2021 by stating that on 4.9.2021, petitioner Jaskaran Singh had threatened him which is not only improbable

but it was also false information to the police. Even otherwise also, the police has not taken any action in this regard as the complaint was frivolous.

I have heard the learned counsel for the parties.

The custody period of all the three petitioners which is about six months is not disputed and admittedly the challan in the present FIR as well as in the cross-version case have been presented before the competent Court after the completion of investigation. As per the custody certificates placed on record by the State which have been taken on record, none of the petitioners is involved in any other case whereas as per the affidavit filed by the State vide Annexure P-13, in the application for anticipatory bail, it has been mentioned that complainant Gobind Singh and other two persons were involved in three more cases. Injuries appear to have been suffered by both the parties and it is yet to be determined as to who was the aggressor party. So far as the allegations made by the learned counsel for the complainant that one of the petitioner Jaskaran Singh had threatened the complainant cannot become a ground for denial of bail because he was granted interim bail on the basis of death of his father and the allegations are that after the cremation, the alleged incident had taken place but the police has not taken any action on the same. There is no other substantial evidence to support the contention of the learned senior counsel for the complainant. Furthermore, it has neither been stated in the affidavit filed by the State nor in the submissions made by the learned State counsel that in case the petitioners are released on regular bail, then they may influence any witness or hamper with investigation or may flee from justice.

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As per the custody certificates filed by the State, the petitioners are not habitual offenders and there is no other case against them. Since the trial of the case would take long time, the petitioners are entitled for the grant of regular bail.

Therefore, considering the totality of circumstances of the present case, this Court deems it fit and proper to grant regular bail to all the three petitioners. Accordingly, all the three petitions are allowed. It is ordered that the petitioners shall be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

November 17, 2021.	(JASGURPREET SINGH PURI)
raj arora	JUDGE
Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No