

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

Sr.No.214

**CRM-M No.33112 of 2021
Date of Decision: 16.11.2021**

Gurnaib Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Amardeep Singh Mann, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for the respondent-State.

Mr. P.S. Sekhon, Advocate
for the complainant.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein seeks the relief of regular bail in the criminal case arising out of the FIR bearing No.0096 dated 29.06.2021 registered at Police Station Bhikhi, District Mansa under Sections 307, 325, 324, 323, 506 read with Section 34 IPC, with the allegations that he, along-with his co-accused named Amardeep Singh and Ramandeep Singh (who are his sons), caused injuries to complainant-Gurbinder Singh with the weapons like 'sword', 'spade' and '*gandhala*'.

Reply on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Sub-Division Mansa, as well as Annexure R-1 and the custody-certificate of the petitioner, have been submitted by learned State counsel in the Court today and the same

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are taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the injuries attributed to the petitioner have been declared to be simple in nature and the petitioner is in custody since 07.07.2021 and it being so, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that though, the Challan has been presented in the Court but the complainant-injured is yet to be examined as witness before the trial Court and moreover, he (injured) suffered as many as eleven (11) injuries on his person in the said occurrence and these were the petitioner and his said co-accused who had come to his (complainant's) field and had assaulted him and in view of these facts, this petition be dismissed.

Even if the injuries attributed to the petitioner are stated to have been declared to be simple in nature, even then this Court cannot lose sight of the fact that the complainant has categorically alleged that he (petitioner) and his said co-accused came to his field and attacked him with the above-mentioned weapons and also the fact that they caused as many as eleven (11) injuries on his person as mentioned in the status-report. Moreover, the complainant is yet to be examined as a witness in the trial Court. In such circumstances, the mere factum of the petitioner having been behind the bars since 07.07.2021, does not suffice at all to

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extend the relief of regular bail to him.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed.

16.11.2021

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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>