

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

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CRM-M-38668-2021 (O&M)

Date of Decision: 22.11.2021

Mahinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Bawa, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Ranjit Singh.

Mr. Kanwaljeet Singh, Advocate, for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0090 dated 01.07.2021 at Police Station Shimlapuri, District Police Commissionerate Ludhiana, under Sections 323/341/506/148/149 IPC (Section 308 IPC added later on).
2. The FIR was lodged at the instance of Harjit Singh, wherein it is alleged that his brother Baljit Singh was married to Jasvinder Kaur about 9 years back, but there was matrimonial discord amongst them as a result of which Jasvinder Kaur alongwith her daughter Sukhmanpreet Kaur left the matrimonial home on 25.06.2021. It is alleged that on 27.06.2021 at about 9.30 PM, his brother Baljit Singh alongwith his son went to his in-laws house so as to enable

his son to meet his mother and his sister. However, since the complainant's brother did not return back, the complainant called his brother Baljit Singh, who disclosed that his wife Jasvinder Kaur, brother-in-law Simranjeet Singh, father-in-law Mahinder Singh, sisters-in-law Babli and Daljit Kaur alongwith 10/12 unidentified persons had stopped him outside his in-laws house and were giving beatings to him. Upon hearing this, the complainant immediately rushed to his brother's in-laws house, where he saw that Simranjit, brother-in-law of complainant's brother, hit a base-ball bat on the left side of Baljit Singh's head; Mahinder Singh, father-in-law of Baljit Singh, hit a base-ball bat on his left shoulder; Babli, sister-in-law of Baljit Singh, inflicted injuries with a stick on the right leg and right shoulder of Baljit Singh; Daljit Kaur, another sister-in-law of Baljit Singh gave injuries to him with stick on his left arm and back. It is alleged that Jasvinder Kaur caused an injury on the left side of the nose while the other unidentified persons also gave beatings to complainant's brother.

3. Learned counsel for the petitioner has submitted that the complainant has roped in the entire family of Baljit Singh's in-laws and that the petitioner is aged about 63 years and has been roped in as an accused simply on account of the fact that he happens to be father of Baljit Singh's wife. Learned counsel has submitted that in any case the petitioner has been attributed a simple injury with

the help of base-ball bat and that too on non-vital part i.e. left shoulder and as such, deserves the concession of bail.

4. Learned State counsel has, however, opposed the petition while stating that all the accused had collectively caused a large number of injuries including an injury on the head, which has been declared to be dangerous to life and as such, the petitioner in any case would be vicariously liable and does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 4 months and that he is not involved in any other case and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner is attributed a simple injury on the non-vital part and is aged about 63 years and has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**

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