

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

CRM-M-34214 of 2020

DATE OF DECISION :- January 11, 2021

Gurwinder Singh alias Dharmi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. J.K. Singla, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Gurwinder Singh alias Dharmi, aged about 21 years son of Gurpreet Singh, resident of village Chahlanwali, Tehsil and District Mansa, an accused in F.I.R. No. 117 dated 23.4.2020 registered with Police Station Sadar Mansa, District Mansa for offences under Sections 307, 341, 323, 148, 149, 188, 269 IPC and later on offence under Section 302 IPC was added.

Briefly stated the facts of the case as per prosecution story are that complainant Iqbal Singh, aged about 35 years, son of Darshan Singh, resident of Village Chahlanwali, in the statement made by him to the police stated that he has got wheat husking machine and he had engaged labourers from Village Bheniwal for working on that machine. Some persons from his village raised an objection and asked the labourers not to do work in their village. On 22.4.2020 at about 9.00 P.M. in the evening, when Iqbal Singh along with his brother Jaspreet Singh, Jagveer Singh son of Karamtej Singh and Gurveer Singh @ Mota were returning home after getting free from work and they had

turned towards their village Bheniwal side near minor canal bridge, there was enough light on account of glowing of a bulb from nearby electricity pole. Then Kuldeep Singh @ Keepa son of Bogha Singh, Sukha Singh son of Dev Singh, Jagga Singh son of Tirath Singh, Harjit Singh son of Tirath Singh, Dharmi Singh son of Gurpreet Singh (the present petitioner) along with 3-4 unknown persons were found standing on the road. They intercepted the complainant and the persons going along with him. Kuldeep Singh @ Keepa gave rod blow to complainant Iqbal Singh hitting him on right side of head. Jagga Singh gave dang blow to the complainant hitting him on head. When Jaspreet Singh, Jagveer Singh and Gurveer Singh intervened to protect the complainant then Kuldeep Singh gave rod blow to Jagveer Singh hitting him on the head. Resultantly, Jagveer Singh fell down. Thereafter the assailants caused injuries to the complainant on his head, legs and arms. The injuries were also caused to Jaspreet Singh and Gurveer Singh. On alarm being raised by the injured when several people started gathering at the spot then the assailants ran away along with their respective weapons. The injured were taken to the hospital.

On statement of Iqbal Singh formal F.I.R. was registered for offences under Sections 307, 341, 323, 148, 149, 188, 269 IPC. Jagveer Singh succumbed to the injuries suffered by him in the incident, as such offence under Section 302 IPC was added. The investigation in the case started. The petitioner accused was arrested on 26.4.2020. He has filed an application for regular bail before the Court of Sessions at Mansa but the same was dismissed, as such he has approached this Court craving for grant of similar relief. Notice of that petition has been given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

In this case on perusal of the F.I.R. goes to show that no specific injury has been attributed to the present petitioner. The fatal blow to Jagveer Singh (deceased) is said to have given by Kuldeep Singh co-accused of the present petitioner. Though the challan in this case is said to have been filed but charge is yet to be framed. In that way conclusion of trial shall take considerable time. Therefore, without going into the merits of the case, I find it proper and appropriate to grant benefit of regular bail to the petitioner. Therefore, the petition is accepted and it is hereby allowed. Petitioner Gurwinder Singh alias Dharmi is ordered to be released on bail on his furnishing bail bond and surety bond(s) to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Mansa subject to the following conditions:-

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

January 11, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No