

220

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

(Through video-conferencing)

**1. CRM-M No.37802 of 2020
Date of Decision: 16.08.2021**

**BALJINDER SINGH @ BOBBYPetitioner
Vs
STATE OF PUNJABRespondent**

2. CRM-M No.10778 of 2021

**GURDEV SINGHPetitioner
Vs
STATE OF PUNJABRespondent**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Rakesh Kumar, Advocate
for the petitioner for CRM-M No.37802 of 2020.

Mr. Namit Gautam, Advocate
for the petitioner in CRM-M No.10778 of 2021.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.37802 of 2020 and
CRM-M No.10778 of 2021 are being decided.

Petitioner(s) seeks grant of regular bail under Section
439 Cr.P.C in case bearing FIR No.105 dated 18.09.2020
registered under Sections 326/324/323/148/149/307 IPC
(Section 307 IPC deleted vide Rapat No.18 dated 05.03.2021)

at Police Station Begowal, District Kapurthala.

FIR was lodged at the instance of Davinder Kaur complainant with the allegations that her marriage was solemnized with Lakhwinder Singh on 05.06.2010 . Two children took birth out of this wedlock. Daughter Taranpreet Kaur is aged 9 years and son Sehajpreet Singh is aged 5 years. After the marriage, husband Lakhwinder Singh and in-laws of the complainant including brother-in-law Baljeet Singh used to harass the complainant. Sister-in-law Sukhwinder Kaur and brother-in-law Baljeet Singh had thrown her out of the house and she came to her parental house. After October 2019, the complainant was living in a rented room and her sister Sumandeep Kaur came to meet her. On 17.09.2020, the complainant and her sister Sumandeep Kaur were coming back from the market after purchasing grocery items. At about 7:00 P.M., when they reached in front of their gate, petitioner-Baljinder Singh @ Bobby, Baljeet Singh (brother-in-law of the complainant) and 5-6 unknown persons were found standing there duly armed with sword and *datar*. Baljeet Singh raised a lalkara. Baljinder Singh and Baljeet Singh gave *kirpan* blows on the person of the complainant. Remaining persons also gave blows with *datar* on the person of the complainant, which hit on her arms, hands and legs. Sister of the complainant raised alarm and many persons attracted to the spot. Thereafter, the

accused persons fled away.

As per MLR, 12 injuries were found on the person of the complainant. Injuries No.1, 2, 4, 5, 6, 7, 8, 9 and 10 were caused with sharp edged weapon. Injuries No.3, 11 and 12 were caused with blunt weapon. Only injury No.4 was declared to be grievous in nature. The said injury is the basis for filing challan under Section 326 IPC. Offence under Section 307 IPC has been deleted vide Rapat No.18 dated 05.03.2021. Challan has been presented and only surviving offences are under Sections 326, 324, 323, 148, 149 and 120-B IPC.

Learned counsel for the petitioner(s) submits that injury No.4 is the result of collective effort made by the accused party. No specific attribution can be inferred viz-a-viz. the authorship of injury No.4 on the person of the complainant. The authorship of said injury would be dependent upon the evidence to be led by the parties during trial. Petitioner-Baljinder Singh @ Bobby is in custody since 22.09.2020 and petitioner-Gurdev Singh is in custody since 09.12.2020. Co-accused Gagandeep Singh and Varinder Singh @ Mangal have been released on regular bail vide common order dated 25.05.2021 passed in CRM-M Nos.19427 and 19659 of 2021 respectively. Now the case is fixed for 08.09.2021 for further proceedings before the trial Court.

Learned counsel further submits that complicity of co-

accused Gurdev Singh is to the effect that his services were also hired by the husband of the complainant along with Baljinder Singh @ Bobby. As per allegation, the husband of the complainant Lakhwinder Singh had given an amount of Rs.10,000/- to Gurdev Singh @ Deba and he got inflicted the injuries by hiring the accused persons.

Learned State counsel opposed the grant of regular bail to the petitioner(s), however he could not refute the factual position of the case.

For the reasons recorded hereinabove and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioners on regular bail without meaning anything on merits of the case.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

August 16, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No