

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

CRM-M No. 43080 of 2020
Date of Decision: 05.01.2021

Kala Singh @ Buta Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurvinder Singh Aulakh, Advocate,
for the petitioner.
Mr. Anant Kataria, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.0043 dated 07.07.2020 under Sections 307, 458, 324, 323, 427, 148, 149 IPC (Sections 325 and 326 IPC added later on) registered at Police Station Bajakhana, District Faridkot.

As per allegations in the FIR, the occurrence took place in the intervening night of 05/06.07.2020 at about 12.00 AM when main gate of the house of the complainant Jaswinder Kaur was knocked by Vicky Singh and Harpreet Singh @ Billa. They entered the house of the complainant by scaling over the wall and then opened the main gate. Paramjit Kaur @ Pammi

and her daughter Peetu Kaur entered the house. Kulbir Singh, Vicky Singh, Harpreet Singh @ Billa, Gora Singh, Gurpreet Singh and the petitioner made entry in the house. Petitioner was shown to be armed with stick/rool. He is alleged to have given rool/wooden blow on the right thigh of complainant, rool blow on the right leg of Lovepreet Singh and rool blow on the right side neck of Arshdeep Singh.

Injury on the right leg of Lovepreet Singh was found to be grievous in nature i.e. punishable under Section 325 IPC. Total 11 persons have been arrayed as accused in the FIR. The injury attributed to the petitioner on the person of complainant and Arshdeep Singh were found to be simple in nature.

Challan has already been presented.

Factual position of the case has not been disputed by learned State counsel, however, he opposed the bail on the ground that the victims were inflicted total 25 injuries and out of those injuries, 06 injuries were found to be grievous in nature. According to learned State counsel, the accused persons have exhibited brutality and therefore, they are not entitled for any indulgence.

On consideration of material on *prima facie* note, it can be seen that none of the injuries on the person of complainant was found to be dangerous to life.

The only injury attributed to the petitioner on the right leg of Lovepreet Singh was found to be grievous in nature.

Co-accused Pappa Singh has already been granted regular bail by this Court vide order dated 18.12.2020 passed in CRM-M No.41443 of 2020.

Co-accused namely Gurpreet Singh has already been granted regular bail by this Court vide order dated 15.12.2020 passed in CRM-M No.38015 of 2020.

Co-accused Paramjit Kaur @ Pammi and Jaspreet Kaur @ Peetu Kaur have been granted anticipatory bail.

Keeping in view the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

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

05.01.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |