

205) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47989-2021

Date of decision-15.12.2021

Sandeep Singh @ Lalla and others
Vs.

...Petitioners

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. M.S.Bajwa, Advocate for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

SANT PARKASH, J.(ORAL)

Petitioners pray for grant of regular bail in FIR No.137 dated 23.09.2021, registered under Sections 323, 324, 148, 149 of the Indian Penal Code and (Sections 325, 326 IPC added later on), at Police Station Sadar Patti, District Tarn Taran.

The present FIR has been registered on the basis of the statement made by injured/complainant Baljit Singh, who stated to the effect that he is an agriculturist and is also running the business of selling milk. On 21.09.2021 at about 8.30 P.M., suddenly someone knocked the door of his house, when he had inquired, reply was received that he was Sukhwinder Singh and had come to take milk. Complainant-injured replied that he has no milk left and he should take milk from another shop, then Sukhwinder Singh went away. After some time, Sukhwinder Singh again knocked at the door and asked complainant to come out of his house. On opening the door of his house, the complainant found that Nishan Singh armed with Barshi, Dilbagh Singh armed with Dang, Amar Singh armed with Stick, Sandeep Singh alias Lalla armed with Dang, Sukhwinder Singh Armed with Datar, Dharminder Singh armed with Dang were standing outside. Then,

Amar Singh raised a *lalkara* and exhorted his co-accused to teach complainant a lesson for refusing to give milk. Nishan Singh directly gave blow with intention to kill the complainant, the blow hit on the bone below his left eye. Then Sukhwinder Singh gave a *datar* blow which hit on the middle of his forehead. Then Amar Singh gave a *stick* blow on his right leg, Dilbagh Singh gave a *dang* blow which hit on the bone of his left shoulder, then Sandeep Singh gave a *dang* blow which hit on his left knee. He fell down on the ground and when he was lying on the ground, Dharminder Singh also gave a *dang* blow which hit on his right arm. The accused were accompanied by two identified persons, who also were armed with *dang* and they also gave several blows with the *dang* on the persons of the complainant.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and as per the contents of the FIR, only simple injuries have been attributed to the petitioners on the non-vital parts of the body of the complainant. He further submits that though the incident is of 21.09.2021, but the FIR has been lodged on 23.09.2021 and there is a delay in lodging the FIR which is not explained by the complainant and the prosecution agency. Moreover, the trial will take long time to conclude and no useful purpose would be served by keeping them behind the bars. Thus, he prays for grant of regular bail to the petitioners.

On the other hand, learned counsel for the State has opposed the bail petition and prayed for its dismissal. He has also filed short reply by way of affidavit of Kuljinder Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran on behalf of respondent-State of Punjab, in Court today itself. The same is taken on record. On the strength of the reply, it is submitted by him that doctor have found 04 injuries on the person of injured/complainant as

Separate custody certificates of the petitioners have also been filed by the learned State counsel in Court today itself. The same are taken on record.

I have heard the learned counsel for the parties and perused the case file.

As far as grievous injuries are concerned, it is specifically submitted in para no.6 of the reply that the injuries attributed to the co-accused, namely, Nishan Singh and Sukhwinder Singh @ Gehna, attracted the provisions of Section 326 IPC and as far as the present petitioners are concerned, the injuries attributed to them attracted the provisions of Sections 323 and 324 IPC only. As per the custody certificates, the petitioners have undergone the custody of more than two months. Therefore, no useful purpose would be served by keeping the petitioner behind bars. Moreover, conclusion of the trial will take some time to conclude.

Taking into consideration the totality of the circumstances and without commenting on the merits of the case, it is considered as appropriate to release the petitioners, namely, *Sandeep Singh @ Lalla, Balwinder Singh @ Dharminder Singh and Amritpal Singh @ Amar @ Kali*, on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of the concerned trial court/Duty Magistrate/Chief Judicial Magistrate.

The petition is allowed.

**(SANT PARKASH)
JUDGE**

15.12.2021

Anjal

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No