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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50567-2021 (O&M)
Date of Decision: 07.12.2021

Ravinder Singh @ Piddu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amitabh Tewari, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.52 dated 04.05.2021, under Sections 307, 324, 323, 148 and 149 IPC (Section 326 IPC added later on), Police Station Sadar Gurdaspur, Gurdaspur. The petitioner is in custody since his arrest on 13.05.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Gurdaspur, in order dated 12.10.2021, are as under:

“In this case as per FIR dated 04.05.2021 it has been alleged by the complainant Amrit Singh that on 02.05.2021 he alongwith his friend advocate Harwinder Singh and Manpreet Singh brother of Harwinder Singh were talking by sitting in the office of Narinder Singh Commission Agent at Focal Point Market Bhagokanwan. Then at about 7.30 PM electricity tube was on. At that time seven persons immediately entered in the office room, out of which, Ravinder Singh armed with datar, Simranjit Singh @ Simmu armed with datar, Dilbagh Singh @ Kala armed with datar and four unknown persons armed with baseball and handles of spade and Ravinder Singh raised lalkara that to show the impression of advocacy of Harwinder Singh because he is favouring Amrit

Singh and kill him and should not be spared. Then Ravinder Singh gave data blow with the intention to kill Harwinder Singh which hit on his left side of his head. Then Simranjit Singh gave datar blow with the intention to kill Harwinder Singh which hit on the back of left side of his head. Then Harwinder Singh fell down on the floor in a pool of blood. He tried to come forward to save him, then Dilbagh Singh gave reverse side of datar blow upon him which hit on left side of his forehead. Dilbagh Singh gave reverse side of datar which hit on the back side of his left shoulder and he fell down on the floor. Then Dilbagh Singh gave datar blow which hit on his left leg. Then Simranjit Singh gave reverse side of two datar blows which hit him near the left knee and left thigh. Then Ravinder Singh gave reverse side of datar blow which hit on his left elbow. Then he and Manpreet Singh raised alarm. Thereafter, applicant and non applicants left the spot on the motorcycle with the weapons while raising cries. Motive behind the occurrence is that few days back in the ground of village at the time of playing cricket hot exchange took place between him and Ravinder Singh and Simranjit Singh and due to this reason they have caused the injuries. Thereafter, he and Harwinder Singh were admitted in the hospital and FIR has been registered.”

Learned counsel for the petitioner has argued that as per prosecution, two persons, namely, Harwinder Singh and Amrit Singh were injured in the alleged occurrence, who had suffered two and six injuries respectively. He has argued that the other two co-accused, namely Simranjit Singh @ Simmu and Dilbagh Singh @ Kala have already been released on regular bail by trial Court vide order dated 25.08.2021 and 04.08.2021 (Annexures P-10 and P-11 respectively) and Simranjit Singh @ Simmu had also allegedly caused injury to Harwinder Singh. He submits that the other co-accused Dilbagh Singh @ Kala had caused grievous injury to Amrit Singh, which is punishable under Section 326 IPC, whereas the second injury, on the head of Harwinder Singh is attributed to the petitioner, which was found to be dangerous to life. According to him, the victim was initially taken to Abrol Hospital, and he left the said hospital against the medical advice and there are two medical opinions regarding nature of the

injuries suffered by Harwinder Singh, which are at variance. He submits that the charges have been framed against the petitioners on 01.12.2021, but no witness has been examined out of total thirty one witnesses. He prays for bail.

Learned State counsel assisted by ASI Harjit Singh, has opposed the prayer on the ground that the petitioner had caused injury on the head of Harwinder Singh, which was found to be dangerous to life. According to him, two MLRs (Annexures P-2 and P-5) are in fact relate to the two injuries suffered by injured Harwinder Singh, but the placement has been changed in the respective MLRs by two different hospitals and injury attributed to petitioner falls under Section 307 IPC. He has also produced the custody certificate dated 07.12.2021 by way of affidavit of Jiwan Thakur, Deputy Superintendent, Sub Jail, Pathankot, which indicates that the petitioner is not involved in any other case. However, it is not disputed that the other two co-accused have been released on bail by the trial Court and no prosecution witness has been examined so far.

Considering the above background, custody of the petitioner, and the fact that the material witnesses are either injured/complainant or official witnesses and there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest. Further, the prosecution is likely to consume considerable time to examine its witnesses, therefore, the trial will also take a long time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner

be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, concerned.

The petition is allowed.

07.12.2021	(MANOJ BAJAJ)
Jasmine Kaur	JUDGE
Whether speaking/reasoned	Yes No
Whether reportable	Yes No