

In virtual Court

CRM-M-2212-2022

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2212-2022 (O&M)

Date of decision: 07.02.2022

Birbal Singh @ Balbir Singh @ Balla

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.K. Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-3162-2022

For the reasons stated in the application, same is allowed and order dated 10.01.2022 passed by this Court is taken on record as Annexure P-5.

CRM stands disposed of.

CRM-M-2212-2022

Prayer in this 2nd petition is for grant of regular bail in FIR No.68 dated 05.06.2021 under Sections 326, 325, 324, 323, 447, 148, 149 IPC, registered at Police Station Sadar Sangrur, District Sangrur; earlier one was dismissed as withdrawn vide order dated 23.09.2021.

Learned counsel for the petitioner relies upon the order dated 10.01.2022 passed by this Court in CRM-M-38265-2021, CRM-M-40066-2021, CRM-M-45092-2021 and CRM-M-45325-2021, vide which four co-accused of the petitioner, namely Baljinder Singh, Davinder Singh, Babbu Singh and Kesar Singh have been granted the concession of regular bail. The operative part of the order reads as under: -

“...Brief facts of the case are that the FIR was registered at the instance of complainant-Gurinder Singh with the allegations that on 4.6.2021, he was working in his fields when five persons came in a white coloured Skoda car. One person remained sitting in the car and four persons came out. One tall person was holding an iron gandasi in his right hand and 2 middle height fair complexion persons were holding bhala in their right hands and one bald person was holding a baseball bat in his hand. There was one more person having muffled face. The tall man raised a lalkara to teach a lesson to the victim for having a dispute with co-accused Gurtej Singh. Thereafter, he gave two blows on the right leg under the knee. One middle height person gave 3 blows of bhala on his right ankle, left ankle and left arm and the bald person gave three blows with baseball bat, which hit on the right side of his back, shoulder and above his right eye. Thereafter, all these persons made a phone call to Gurtej Singh that as per his direction they have given beatings to complainant Gurinder Singh.

At the very outset, the counsel for the petitioners submits that Gurtej Singh has been granted the concession of anticipatory bail vide order dated 14.10.2021 in CRM-M-42937-2021 on the ground that Gurtej Singh was neither present at the spot nor for a period of one month when supplementary statement of the complainant was recorded, there was any allegation about the identity of the other accused. It was also observed in the order that complainant while recording his supplementary statements deposed that he has verified at his own level, who were the accused, who have caused injury to him and came to know that Gurtej Singh, who has hired the aforesaid persons (present petitioners), on account of the enmity due to the elections of the Gram Panchayat as the complainant is an ex-Sarpanch and also that the Skoda car belongs to one Harpreet Singh.

The common argument of the counsel for all the petitioners is that the petitioners are in custody for the last about 05 months and 26 days and not involved in any other case. It is also argued that investigation is complete, the challan stands presented and the petitioners have been nominated by giving supplementary statements after 38 days of lodging of the FIR. It is further argued that the petitioners have undergone sufficient judicial custody and the conclusion of the trial will take some time and they are not required for custody interrogation as during the investigation the

police has not collected any evidence of any conspiracy between the petitioners and co-accused Gurtej Singh.

The learned State counsel, assisted by counsel for the complainant, has argued that as per the allegations in the FIR, petitioner Baljinder Singh has not caused any injury, whereas petitioner-Babbu Singh attributed Section 326 injury to the victim and petitioner Davinder Singh gave injury with his bhalla on his foot and petitioner Kesar Singh has caused injury, which is grievous in nature.

As per the custody certificate filed in all the cases, it is not disputed that all the petitioners are in custody for last 05 months and 26 days and they are not involved in any other case. It is also not disputed by the learned State counsel that the challan stands presented and the trial is yet to begin as the charges have not been framed...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner is in custody for the last 06 months and 24 days; investigation is complete and he is no more required for further custodial interrogation.

Learned State counsel, on the basis of custody certificate dated 05.02.2022 filed in the Court today, has not disputed the factual position and submitted that charges have been framed.

After hearing learned counsel for the parties, without commenting

In virtual Court

CRM-M-2212-2022

-5-

anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

07.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No