

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-4355-2022

Date of decision : 28.03.2022

Satpal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Salil Dev Singh Bali, Advocate
for the petitioner.

Mr.Harpreet S.Multani, AAG, Punjab.

Ms.Riffi Birla, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition unde Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.104 dated 25.07.2021 registered under Sections 323, 506, 341, 34 IPC (Sections 307, 325 IPC added later on) at Police Station Arniwala, District Fazilka, Punjab.

Learned counsel for the petitioner has submitted that in the present case, the petitioner had got GD no.025 dated 24.07.2021 recorded in which it had been stated that it was one Balwinder Singh (injured/complainant in FIR no.104), and Diwan Singh (injured in FIR no.104) and Raju Singh who had attacked the present petitioner and the petitioner in order to save himself had put his hand up when the *kappa* which was being carried by Raju Singh hit on the right hand of the petitioner. It has further been stated that in the said DDR, Diwan Singh had

a *dang* with which he had given a blow on the left thigh of the petitioner and Balwinder Singh had also caught hold of the present petitioner from his hair and had given him a kick blow in the stomach. It has further been submitted that with respect to the same, there is an MLR by the Civil Hospital, Fazilka as per which the petitioner had suffered two injuries and one was an incised wound over his right hand in which fresh bleeding was present. It has also been submitted that the police had however, stated that the said case was false inspite of the fact that there is a specific MLR to support his case and the version given by the petitioner was prior to the registration of the present FIR which was registered on 25.07.2021. It has also been submitted that as per the FIR, two injuries have been attributed to the present petitioner. One of the injuries was on the hand which is a simple injury and the second injury was on the forehead, on the basis of which Section 307 IPC has been made out. It has been argued that the co-accused of the petitioner, who had been attributed grievous injuries had already granted regular bail by the Court of Additional Sessions Judge, Fazilka vide order dated 01.11.2021. It is also stated that the complainant is now keeping good health. It has also been argued that the petitioner is not involved in any other case and he has been in custody since 29.09.2021 and the challan has been presented and thus the trial is likely to take time moreso, in view of the present pandemic.

Learned State counsel as well as counsel for the complainant have opposed the present petition for regular bail and have submitted that in the present case the injury, which is dangerous to life, has been attributed to the present petitioner. Cross case has been cancelled vide DDR no.33 dated 05.08.2021.

Learned counsel for the complainant has submitted that the petitioner should be asked to pay some compensation for the injuries which have been caused to the complainant in case this Court grants concession of regular bail.

Learned counsel for the petitioner has very fairly submitted that without prejudice to the rights of the petitioner and without admitting his liability, the petitioner is ready to pay an amount of Rs.10,000/- to the complainant.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the record would show that initially on 24.07.2021, the petitioner had made a statement to the effect that it is Balwinder Singh and Diwan Singh who had attacked the petitioner and Balwinder Singh was having *kappa* in his hand with which he had caused injury on his right hand and Diwan Singh had also given a *daang* blow on left thigh and Balwinder Singh gave kick blow in the stomach. MLR was also recorded on 22.07.2021 (Annexure P-5) as per which the petitioner had suffered two injuries. The said MLR is by the Civil Hospital, Fazilka. However, a cancellation report has been submitted in the same. It is the case of learned counsel for the petitioner that the same has been done illegally inasmuch as there is a specific MLR and a specific attribution against the complainant and the DDR which has been recorded by him is also prior to the FIR. As per the version in the FIR, the petitioner has been attributed with two injuries, one of which is simple and is on a non vital part, i.e., left elbow and the second injury caused by the petitioner is the one which attracted offence under Section 307 IPC. The co-accused of the petitioner

Davinder Singh who had been attributed grievous injury has already been granted regular bail by the Additional Sessions Judge, Fazilka vide order dated 01.11.2021. The petitioner is not stated to be involved in any other case and has been in custody since 29.09.2021 and the challan in the present case has already been presented. Since the case has not been committed as yet, thus the trial is likely to take time.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned Illage Magistrate/ trial Court/ Duty Magistrate and subject to him not being required in any other case and subject to the petitioner depositing an amount of Rs.10,000/- with the concerned Illaqa Magistrate/ trial Court/ Duty Magistrate within a period of 10 days from today. The concerned Court is directed to disburse the said amount to the complainant but the same however, would be without prejudice to the rights of the petitioner and without the petitioner having admitted his liability in the present case.

In case the said amount is not deposited within the aforesaid period, then the present petition would be deemed to have been dismissed.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

March 28, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No