

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7318-2021 (O&M)

Date of Decision:- 10.2.2022

Baldev Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kanwaljeet Singh Brar, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

Mr. J.S.Warring, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-4525-2022

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexure P-3 and P-4 are taken on record subject to all exceptions.

CRM-M-7318-2021 (O&M)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 79, dated 17.10.2020, Police Station Kot Fatta, Bathinda, under Sections 324, 323, 506, 148, 149 IPC (Section 307 IPC added later on).
2. The FIR in question was lodged at the instance of Amarjit Kaur, wherein it is alleged that they have good relations with Jagdeep Singh who worked in their fields. Jaswinder Singh owed some

amount to Jagdeep Singh. It is alleged that on 15.10.2020, at about 8 pm, they heard some noises of an altercation coming from the street and upon hearing the same, she and her son Gurpreet Singh went outside, where they saw that Jaswinder Singh was there armed with a hand-pump rod, Sukhpreet Singh armed with '*kahi*', Nirmal Singh @ Nimi and Kuldeep Singh @ Geepa armed with '*gandasa*', Sandeep Singh armed with '*takua*', who were all inflicting injuries to Jagdeep Singh. When the complainant and her son Gurpreet Singh raised alarm, the second son of the complainant namely Charanjeet Singh also came at the spot. Nirmal Singh is alleged to have inflicted a blow with '*gandasa*' to Gurpreet Singh hitting him on his head as a result of which he fell down. When the complainant went forward to rescue him, then Jaswinder Singh gave a blow with hand-pump pipe on the jaw of the complainant's towards left side. When Charanjeet Singh tried to save them, even he was caused several injuries. It is further stated therein that there were 3/4 unknown persons along with the aforesaid assailants and when the complainant and others raised alarm, they ran away from the spot.

3. Learned counsel for the petitioner submits that the genesis of occurrence has been suppressed in the FIR inasmuch as there is no reference to the injuries sustained by Sukhpreet Singh co-accused who was found to be sustaining as many as 2 injuries including a lacerated wound measuring 3.5 x 0.5 cm on left temporal parietal region. It has been submitted that the said Sukhpreet Singh remained admitted in Civil Hospital for 2 days and thereafter he left against the

medical advise, which in any case would indicate that he had been caused serious injuries. Learned counsel has further submitted that the petitioner in any case has been behind bars for a substantial period of 1 year and 2 months and that trial has not even commenced inasmuch as even the charges have not been framed.

4. Opposing the petition, learned State counsel, assisted by learned counsel for the complainant, has submitted that since the petitioner is specifically named in the FIR and is attributed a blow with the help of a '*gandasa*' on the head of Gurpreet Singh, his complicity is clearly evident and it is evident that the injuries had been caused with an intention to kill Gurpreet Singh. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 1 year and 2 months and that trial has not even commenced till date though 20 PWs have been cited. It has also been informed that the petitioner otherwise has a clean record and is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Though the petitioner to some extent has been able to make out a case that genesis of occurrence has been suppressed, but without commenting anything on merits of the case, this Court in any case cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of 1 year and 2 months. The conclusion of trial is likely to consume time inasmuch as not even a single PW out of the cited 20 PWs has been examined. The petitioner otherwise is stated to be having a clean record and is not involved in any other

case. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.2.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No