

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-8002-2021 (O&M)

Date of Decision: 10.01.2022

Raghbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lakshay Bector, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Baljit Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.102 dated 30.06.2017 at Police Station Delhon, District Ludhiana, under Sections 302/323/506 IPC.
2. The FIR was lodged at the instance of Darshan Singh, wherein it has been stated that on 29.06.2017 at about 6:30 PM, when he alongwith his wife Hardeep Kaur and his son Sukhdeep Singh were standing in the street in front of their house, then their neighbourer Raghbir Singh armed with *gandassa*; his brother Dilbagh Singh armed with stick; Gogi Singh, sister's son of Dilbagh Singh, armed with stick and Gurmeet Kaur came there. Gurmeet Kaur and Gogi Singh raised a *lalkara* exhorting their companions that the complainant and others be eliminated and that they

be not spared. Thereafter, Raghbir Singh gave a blow with *gandassa* on the head of the complainant's wife Hardeep Kaur with an intention to kill her and on account of which she fell unconscious on the ground. Dilbagh Singh, Gogi Singh and Gurmeet Kaur gave kicks to complainant's wife while she was lying on the ground. When the complainant and his son Sukhdeep Singh tried to rescue Hardeep kaur, then Dilbagh Singh inflicted blows with stick on both of the complainant's arms. Gogi Singh is also alleged to have inflicted a blow with stick on the left arm of Sukhdeep Singh. Gurmeet Kaur is alleged to have pulled complainant's hair as well as of Sukhdeep Singh. When the complainant and his son raised alarm, the accused ran away from the spot alongwith their respective weapons.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the police upon investigation found 3 of the other accused as innocent, which would reflect upon credibility of the complainant. It has further been submitted that the petitioner has been behind bars for a substantial period of 4 years & 6 months and that the material eye-witnesses i.e. the complainant and his son already stand examined and that in these circumstances, the petitioner deserves to be released on bail.
4. Opposing the petition, learned State counsel has submitted that since there are specific, categoric and unambiguous allegations against the petitioner to the effect that he had given a blow with *gandassa* on the head of the complainant's wife resulting in her death, no case for grant

- of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 4 years & 6 months and that till date only 3 PWs out of cited 15 PWs have been examined. It has also been informed that the petitioner stands involved in one more case registered under the Arms Act.
5. I have considered rival submissions addressed before this Court.
 6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of more than 4 years & 6 months and that the material eye-witnesses have already been examined, the petition merits acceptance particularly in view of the fact that conclusion of trial will consume time as till date only 3 PWs out of cited 15 PWs has been examined. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
 7. It is, however, directed that the petitioner shall keep himself away from Village Delhon, District Ludhiana, where the complainant and his family resides and in case, he is ever seen in Village Delhon, it shall be open to the complainant to move an appropriate application for cancellation of his bail.

10.01.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**