

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

CRM-M-14630-2022(O7M)

Date of Decision: 12.05.2022

Ranjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. G.K. Mann, Sr. Advocate with
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Kirat Singh Sandhu, DAG, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.0140 dated 04.07.2020, registered under Sections 323, 324, 452, 148, 149 and (Section 307 IPC Added later on) at Police Station Chattiwind, District Amritsar Rural (Annexure P-1).

2. The brief facts of the case are that Kuldeep Singh-complainant got recorded his statement to the effect that on 02.07.2020 at about 7.15 PM when he was sitting in the courtyard of his house, in the meantime Ranjit Singh-petitioner armed with a sickle, Gurpreet Singh armed with a sword, Rajwinder Singh @ Raja armed with a baseball bat and Balwinder Singh empty handed along with two other unknown persons entered his house. While Balwinder Singh raised Lalkara, Ranjit Singh-petitioner gave a blow of the sickle on his head, which hit on the temple on the right side of his head, whereas Gurpreet Singh gave a blow of his sword, which hit on his left ear and Rajwinder Singh @ Raja gave a blow of his base ball bat,

which hit the backside of his head. He raised a noise and his family members came to the spot and the assailants ran away with their weapons. Based on the aforementioned allegations the present FIR came to be registered.

3. After the medical examination of the complainant-Kuldip Singh, it was found that injuries Nos.1 and 2 were dangerous to life whereas, the injury No.3 was found to be simple in nature. Based on the opinion of the doctor, Section 307 IPC was added to the FIR. During the course of investigation the other accused came to be arrested.

4. A cross-version was also recorded in the aforementioned FIR by Jasbir Kaur wife of Balwinder Singh vide GDR No.40 dated 17.07.2020 registered under Sections 323/325/148/149 IPC at Police Station Chattiwind, Amritsar Rural against Kuldip Singh, Gurinder Singh, Khushpreet Singh, Dilawar Singh, Hardeep Singh, Bakshish Singh and Paramjit Singh.

5. The learned counsel for the petitioner submits that it is a case of version and cross-version. The petitioner of course has been attributed injuries attracting Section 307 but as per the State reply, the health condition of the injured-complainant is now satisfactory. He contends that the petitioner is in custody since 13.09.2021. As many as 16 prosecution witnesses are to be examined and none have been examined so far. He thus, prays for the grant of regular bail.

6. On the other hand, the learned State counsel submits that the petitioner is the main accused and thus, he does not deserve the concession of regular bail. One of the injuries attracting Section 307 IPC has been attributed to the petitioner. He, however, does not dispute the factum of

there being a cross-version at the instance of the mother of the petitioner as also the period of custody undergone by the petitioner.

7. I have heard the rival contentions of both the parties.

8. Admittedly, it is a case of version and cross-version. The health condition of the injured-Kuldip Singh is now satisfactory. The petitioner has been in custody since 13.09.2021 and none of the 16 prosecution witnesses have been examined so far. It would be a matter of adjudication during trial as to which parties was the aggressor party.

9. Keeping in view the custody period undergone by the petitioner as also the stage of trial, the further incarceration of the petitioner is not required.

10. Thus, without adverting to the merits of the case and keeping in view the aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail.

11. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

12. Nothing expressed hereinabove would be construed to be an expression of any opinion on the merits of the case.

(JASJIT SINGH BEDI)
JUDGE

12.05.2022
JITESH

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No