

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-26196-2022

Date of Decision:-08.07.2022

Kulwant Singh.

.....**Petitioner.**

Versus

State of Punjab.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Mitul Singh Rana, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, DAG Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.10 dated 07.03.2022 under Sections 307, 323, 324, 427, 148, 149, 506 IPC registered at Police Station Hajipur, District Hoshiarpur.

The present FIR came to be registered at the instance of Surinder Singh son of Ravi Singh who stated that their mining company checks illegal mining activities which are being done at places other than the Khadd in which it has been permitted and also checks the mining receipts of vehicles loaded with sand and gravel in case the said vehicle was loaded with illegally mined sand. On 05.03.2022 he along with his associates Rajiv Kumar, Gaurav Tomar and Jagdeep Singh were travelling in a vehicle no.PB-10-HE-7649 in village Kulian Lubana where they were

checking the vehicles loaded with illegally mined sand. At about 11/11.15 am one Tipper bearing No.PB-07-AS-8637 driven by Daljit Singh @ Kala came to the spot and on checking it was found that it did not have receipt of loading sand. When he was asked to get the vehicle weighed, he started abusing the complainant side and behind the Tipper another Tipper bearing No.PB-07-EM-7382 being driven by Bunty and Tipper bearing No.PB-07-BY-7385 being driven by Shanty came and the said persons started abusing the complainant etc. Thereafter one Innova car came from the side of village Bhavnal in which 4 or 5 young men were travelling who also started abusing the complainant side. Bunty and Shanty, Ajay Kumar and Daljit Singh and persons in the Innova car and other drivers started damaging their vehicles. Thereafter Ajay Kumar gave a *datar* blow on the head of the complainant and the other driver also took out Iron rods from their tippers and started hitting the complainant and Rajiv Kumar. Thereafter one unknown person struck the complainant on the back side of his head with stone. The complainant fell down and fainted. Thereafter, the complainant was taken to Civil Hospital, Hazipur and during his treatment it was found that one wrist watch, gold chain and Rs.6000/- were missing.

The counsel for the petitioner submits that no specific injury has been attributed to the petitioner. He has been vaguely described as one of the accused person present at the alleged place of occurrence. However, it appears that there is some video footage which shows the petitioner throwing a stone at the head of the Surinder-complainant without their being any injury caused.

The Counsel for the State on the other hand contends that all the accused persons came armed and caused injuries to the complainant and

Rajiv and the manner in which the occurrence took place does not entitle the petitioner to the grant of bail.

I have heard counsel for both the sides at length.

Admittedly, the injuries inflicted on the persons of Surinder and Rajiv Kumar are simple in nature. The petitioner does not have any criminal cases pending against him. He has been in custody since 07.03.2022 and none of the 11 cited prosecution witnesses have been examined till date because of which the trial of the present case is not likely to be concluded in near future.

Keeping in view the aforementioned facts, the further incarceration of the petitioner is not required. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner- **Kulwant Singh** son of Sh. Dalveer Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 08, 2022

Vinay

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