

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

CRM-M-29865-2022

Date of Decision:-17.10.2022

Gurpreet Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Rajat Dogra, Advocate for
Mr. K.S. Brar, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Tarunveer Vashisht, Advocate for the complainant.

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.30 dated 27.02.2022 under Sections 307, 324, 323, 341, 148, 149 IPC registered at Police Station Raman District Bathinda.

The present FIR came to be registered on the statement of Jabarjang Singh who stated that he was a farmer of the age of about 40 years. On 26.02.2022 at about 12.00 noon he and his nephew Paramjit Singh were travelling on their motor cycle and going towards Sukhladi. On their way when they reached near the house of Gurbaj Singh, one kilometer ahead from village Sukhladi then a white car and two motor cycles came from behind. The persons travelling in the same were Gurpreet Singh son

of Lakhvir Singh armed with *Kasia*, Gursewak Singh son of Lakhvir Singh armed with *Kasia*, Husanpreet Singh son of Balvir Singh armed with *Kasia*, Lakhvir Singh son of Sukhdev Singh with a stick, Jobanpreet Singh son of Hardeep Singh armed with *Kasia* all residents of Bangi Nihal Singh Wala. They parked their vehicles in front of them (complainant party) and Gurpreet Singh with an intention to kill attacked him (complainant) with a *Kasia* on his head. Similarly Gursewak Singh, Husanpreet Singh attacked him with *Kasia* on his head. Lakhvir Singh attacked with a *stick* that hit him on his right arm. Inderjit Singh hit him (complainant) with stick on his left arm. When Paramjeet Singh tried to save him (complainant), they all attacked Paramjeet Singh as well. Thereafter his brother came to the spot and he was also attacked and injured. On noise being raised, the accused fled away from the spot.

The Counsel for the petitioner contends that Gursewak Singh etc from the side of the petitioner(accused) have received injuries and a cross version bearing Rapat No.52 dated 28.02.2022 was registered under Sections 323, 324, 148 and 149 IPC against a number of persons including the present complainant Jabarjang Singh. Subsequently Section 324 IPC was deleted and Section 326 IPC was added. It is a case of version and cross version and it is still to be adjudicated as to which was the aggressor party. He contends that there is a delay of 01 day in the registration of FIR which is unexplained. Some of the other accused have been attributed the same injury on the head which has been attributed to the petitioner and even otherwise, as per the doctors opinion, the injury on the person of the complainant is grievous in nature and not dangerous to life. He contends that the petitioner is in custody since 01.06.2022 and none of the 19

prosecution witnesses have been examined so far and therefore as the trial if the present case is not likely to be concluded anytime soon, the further incarceration of the petitioner is not required and he is entitled to the concession of bail.

The Counsel for the State submits on the other hand contends that the petitioner is the main accused who attacked the head of the complainant with his *Kasia*. He submits that there are two injured persons namely Gurmail Singh and Paramjit Singh, though the injuries received by them are simple in nature. He further contends that FIR No.77 dated 07.07.2021 under Sections 341, 323, 427, 148, 149 IPC P.S. Raman, District Bathinda stands registered against the petitioner though he has been granted the concession of bail in that case. He however, does not deny the fact that the present case is one of version and cross version in which Jabarjang Singh the present complainant and others are accused at the instance of petitioner side.

The Counsel for the complainant on the other hand has supported the case of the State and contends that the nature and manner of the attack does not entitle the petitioner to the grant of bail. He however, does not deny the fact that it is a case of version and cross version as also the stage of trial.

I have heard counsel for both the sides at length.

Admittedly, the petitioner has been attributed the injury on the head of the complainant Jabarjang Singh which has been found to be grievous in nature. It is a case of version and cross version and it would be a matter of adjudication during trial as to which side was the aggressor party. The injured Jabarjang Singh has not been permanently disabled in

any manner and is carrying out his daily pursuits. The petitioner is in custody since 01.06.2022 and one of the 19 prosecution witnesses have been examined so far. In such a situation the trial of the present case is not likely to be concluded any time soon and, therefore, the further incarceration is not right.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gurpreet Singh** son of Sh. Lakhvir 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

October 17, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>