

CRM-M No.36429 of 2021 (O&M)

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

**CRM-M No.36429 of 2021 (O&M)
Date of decision: 10.02.2022**

Balwinder Singh @ Binder

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Sandhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.75 dated 24.06.2020, registered under Sections 302, 148, 149 IPC, at Police Station Sadar Moga, District Moga.

Counsel for the petitioner has argued that the FIR was registered on the statement of Naib Singh, with the allegations that on the date of incident, he along with his family had gone to plant Paddy in the fields of Baghar Singh and thereafter, slept in a room after having dinner and thereafter, his son Inderjit Singh was also sleeping in his room. Inderjit Singh developed illicit relations with Amarjit Kaur @ Nisha, daughter of the petitioner Balwinder Singh @ Binder. Amarjit Kaur @ Nisha used to call his son very often and next day in the morning, when he woke up, Inderjit Singh was not present in his room.

Thereafter, the complainant along with his other son namely Budh Singh and his brother Ajaib Singh, went to search him and heard the noises coming from the house of Balwinder Singh @ Binder i.e. the petitioner and when they went inside the room, they saw that the petitioner is armed with an iron rod, Charanjit Kaur, wife of the petitioner, armed with a wooden stick, Kulwinder Singh @ Maddi armed with an iron pipe, Amarjit Kaur armed with a wooden stick, Gurmeet Singh armed with a baseball bat, Gurdeep Singh @ Keeta armed with a wooden log, Jaswant Singh armed with a wooden log and Rinku armed with a wooden log, were beating Inderjit Singh, around 05:00 AM. They immediately called Harbans Singh, Ex-Sarpanch, on the spot and rescued Inderjit Singh from their clutches. Later on, he was taken to hospital where he died.

Counsel for the petitioner has argued that as per the allegations in the FIR, no specific injury is attributed to the petitioner and as per the MLR, the deceased suffered 09 injuries and as per the opinion of the doctor, injury No.1, which is a lacerated wound of 3 cm x 2 cm on the temporal region of skull, was the fatal injury.

Counsel for the petitioner has further submitted that the petitioner is in custody for the last 01 year and 07 months and it will take long time in conclusion of the trial.

Reply by way of affidavit of SHO, Police Station Sadar Moga, is on record.

Counsel for the State, on basis of the affidavit has argued that since the daughter of the petitioner was having illicit relations with

Inderjit Singh and she called him to the house of the petitioner with a pre-meditated motive to teach him a lesson and caused him injuries on account of which, he died. It is stated that the accused persons were arrested and their respective weapons were recovered from them.

After hearing the counsel for the parties, considering the fact that there are serious allegations against the petitioner and also in view of the fact that the deceased was called at the house of the petitioner, where he was given fatal injury, I find no ground to grant the concession of bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.02.2022

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