

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

CRM-M-33007-2022 (O & M)

Date of decision: 03.08.2022

Gurmeet Singh and ors.

.... Petitioners

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashish Grewal, Advocate, for the petitioners.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioners in case FIR No.141 dated 05.05.2022 under Sections 148, 149, 323, 324, 506 IPC (Sections 325, 326 IPC added later on) registered with Police Station Chhappar, District Yamuna Nagar, Haryana.

2. The brief facts of the case are that one Talvinder Singh got registered the present FIR with the allegations that he alongwith his father Karam Singh and brother Teg Singh were working in the fields at about 8 O' Clock on 04.05.2022. In the meantime, his neighbour Harsh, Ranjit, Paramjit, Gurmeet, Kuldeep, Daljit, Manpreet and 2-3 other people suddenly came there and attacked him (complainant) with iron rods and swords and Harsh gave an axe blow on the head of his (complainant's) brother Teg

Singh and Ranjit Singh gave a sword blow on the head of his

(complainant's) father Karam Singh. The other persons attacked with sticks and rods.

3. The learned counsel for the petitioners submits that it is a case of version and cross-version. A cross- version bearing FIR No.156 dated 17.05.2022 under Sections 323, 427, 447, 506, 34 IPC with Police Station Chhappar, District Yamuna Nagar, Haryana was got registered at the instance of Paramjit Singh against the present complainant party. He contends that Paramjit Singh, who has been attributed an injury attracting Sections 325 IPC, has been granted the concession of interim anticipatory bail by this Court vide order dated 15.06.2022 (Annexure P-4). So far as the petitioners are concerned, no specific role has been attributed to them, no recovery has been effected from them, and they are first-time offenders not having involved in any other case prior to the registration of the present FIR. It is lastly contended that the petitioners are in custody since 16.07.2022, as such, their further incarceration is not required and they ought to be granted the concession of regular bail.

4. The learned counsel for the State, on the other hand, has argued that the petitioners did not deserve the concession of regular bail as they were a part of the unlawful assembly. However, he does not dispute the factum of the present case being a case of version and cross-version and Paramjit Singh, from the side of the petitioners, having been granted the concession of interim anticipatory bail by this Court vide order, Annexure P-4. He also very fairly concedes that no specific role has been attributed to the petitioners and they are first-time offenders.

5. I have heard the learned counsel for both the parties.

6. Admittedly, it is a case of version and cross-version. It is a matter of adjudication during trial as to which party is the aggressor party. A

perusal of the FIR would reveal that no specific injury whatsoever has been attributed to the petitioners. So far as Paramjit Singh is concerned, he has been attributed an injury under Section 325 IPC and has been granted the concession of interim anticipatory bail vide order dated 15.06.2022 (Annexure P-4) passed by this Court. The petitioners are in custody since 16.07.2022 and as such, their further incarceration is not required.

7. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioners, namely, Gurmeet Singh, Kuldeep Singh and Daljit are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 03, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No