

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

1. CRM-M-38265-2021
Date of Decision : January 10, 2022

Baljinder SinghPetitioner
Versus
State of PunjabRespondent

2. CRM-M-40066-2021

Davinder SinghPetitioner
Versus
State of PunjabRespondent

3. CRM-M-45092-2021

Babbu SinghPetitioner
Versus
State of PunjabRespondent

4. CRM-M-45325-2021 (O&M)

Kesar SinghPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kartar Singh, Advocate for the petitioner
(in CRM-M-38265-2021)

Mr. S.S. Brar, Advocate for the petitioner
(in CRM-M-40066-2021)

Mr. Rakesh Gupta, Advocate for the petitioner
(in CRM-M-45092 and 45325-2021)

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G.S. Nahel, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

By way of this common order, this Court intends to dispose of the aforementioned petitions filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 68 dated 5.6.2021 under Sections 324, 323, 506, 34 IPC (Sections 148, 149, 120-B, 325, 326 added and Section 34 IPC was deleted later on), registered at Police Station Sadar Sangrur, District Sangrur.

Brief facts of the case are that the FIR was registered at the instance of complainant-Gurinder Singh with the allegations that on 4.6.2021, he was working in his fields when five persons came in a white coloured Skoda car. One person remained sitting in the car and four persons came out. One tall person was holding an iron *gandasi* in his right hand and 2 middle height fair complexion persons were holding *bhala* in their right hands and one bald person was holding a baseball bat in his hand. There was one more person having muffled face. The tall man raised a *lalkara* to teach a lesson to the victim for having a dispute with co-accused Gurtej Singh. Thereafter, he gave two blows on the right leg under the knee. One middle height person gave 3 blows of *bhala* on his right ankle, left ankle and left arm and the bald person gave three blows with baseball bat, which hit on the right side of his back, shoulder and above his right eye. Thereafter, all these persons made a phone call to Gurtej Singh that as per his direction they have given beatings to complainant Gurinder Singh.

At the very outset, the counsel for the petitioners submits that Gurtej Singh has been granted the concession of anticipatory bail vide order dated 14.10.2021 in CRM-M-42937-2021 on the ground that Gurtej Singh was neither present at the spot nor for a period of one month when supplementary statement of the complainant was recorded, there was any allegation about the identity of the other accused. It was also observed in the order that complainant while recording his supplementary statements deposed that he has verified at his own level, who were the accused, who have caused injury to him and came to know that Gurtej Singh, who has hired the aforesaid persons (present petitioners), on account of the enmity due to the elections of the Gram Panchayat as the complainant is an ex-Sarpanch and also that the Skoda car belongs to one Harpreet Singh.

The common argument of the counsel for all the petitioners is that the petitioners are in custody for the last about 05 months and 26 days and not involved in any other case. It is also argued that investigation is complete, the challan stands presented and the petitioners have been nominated by giving supplementary statements after 38 days of lodging of the FIR. It is further argued that the petitioners have undergone sufficient judicial custody and the conclusion of the trial will take some time and they are not required for custody interrogation as during the investigation the police has not collected any evidence of any conspiracy between the petitioners and co-accused Gurtej Singh.

The learned State counsel, assisted by counsel for the complainant, has argued that as per the allegations in the

FIR, petitioner Baljinder Singh has not caused any injury, whereas petitioner-Babbu Singh attributed Section 326 injury to the victim and petitioner Davinder Singh gave injury with his *bhalla* on his foot and petitioner Kesar Singh has caused injury, which is grievous in nature.

As per the custody certificate filed in all the cases, it is not disputed that all the petitioners are in custody for last 05 months and 26 days and they are not involved in any other case. It is also not disputed by the learned State counsel that the challan stands presented and the trial is yet to begin as the charges have not been framed.

After hearing counsel for the petitioners as well as learned State counsel, assisted by counsel for the complainant and considering the fact that all the petitioners are the first offender; in custody of about 06 months; investigation is complete; trial is likely to take some time and without commenting anything on the merits of the case, all the petitions are allowed and the petitioners are directed to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

(ARVIND SINGH SANGWAN)
JUDGE

January 10, 2022
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Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO