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

**CRM-M-45903-2021 (O&M)
Date of decision-30.11.2022**

Harnam Singh @ Posti

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kuldip Singh Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

MANOJ BAJAJ, J.

CRM-38490-2022 and CRM-40710-2022

Applications are allowed as prayed for.

Document Annexures P-3 and P-4 are taken on record.

CRM-38491-2022

This application is for modification of the head note as well as prayer clause of the main petition.

Learned counsel for the applicant/petitioner states that the petitioner is nominated as an accused in cross version recorded vide GD

No.37 dated 9.6.2021, under Sections 307, 324, 323, 506, 148 and 149, Indian Penal Code, 1860, registered at Police Station Sadar Kotkapur, District Faridkot, however, inadvertently the petition for grant of regular bail has been filed in FIR version. He prays for necessary amendments in the head note as well as prayer clause of the petition for grant of regular bail.

Notice of the application.

At the stage, Mr. Kunal Muthreja, AAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer made by the applicant-petitioner.

For the reasons mentioned in the application, the same is allowed.

Registry is directed to make necessary correction at appropriate places in the main petition.

CRM-40711-2022

This application under Section 482 Cr.P.C. has been filed for addition of Section 326 IPC in the head note as well as prayer clause of the main petition.

For the reasons mentioned in the application, the same is allowed.

Registry is directed to make necessary correction at appropriate places in the main petition.

CRM-M-45903-2021

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in cross case GD No.37 dated 9.6.2021, under Sections 307, 324, 323, 506, 148 and 149, Indian Penal Code, 1860 (offence under Section 326 IPC added later on) registered at Police Station Sadar Kotkapur, District Faridkot, recorded in case FIR No.81, dated 7.6.2021 under Sections 341, 324, 323, 506, 148 and 149 IPC (offence under Section 307 IPC added later on) at Police Station Sadar Kotkapur, District Faridkot. The petitioner is in custody since his arrest on 10.07.2021.

The contents of the FIR as noticed by the Additional Sessions Judge, Faridkot in order dated 05.10.2021 reads as under:-

“Perusal of record further reveals that during investigation, Kala Singh son of Sham Singh suffered a statement before the police that on 5.6.2021, at about 8/8:30PM, Ajay Singh son of Bajinder Singh was passing from the street leading to their house and in the way started quarrel with his son Mintu Masih, Jagsir Singh son of Bohar Singh and Bohar Singh son of Mehnga Singh, but respectables of Mohalla made them understand. Then on 6.6.2021, at about 1/1:30 night time, Ajay Singh son of Baljinder Singh armed with khanda, Baljinder Singh @ Meechu son of Veer Singh empty handed, Rajinder Singh @ Shani son of Veer Singh armed with dang, Dharampreet Singh armed with kapa, Happy armed with kapa, Satpal Singh armed with kirpan, Raju Singh armed with baseball, Jagsir Singh armed with axe, Posti armed with dang, Pakhar Singh empty handed, came in the street and started abusing

them. He alongwith Balwinder Singh, Pargat Singh, Phoola Singh, Ghora Singh and Happy were standing in the street and they both the parties, started hurling brick bats towards each other. In the mean time, Baljinder Singh @ Meechu raised lalkara saying that caught hold and teach them a lesson. They all took Pargat Singh son of Kala Singh towards chhapper and in his presence, Dharampreet Singh gave kapa blow on Pargat Singh with intention to kill him, which hit on his head. Happy gave kapa blow which hit on his head and another kapa blow on his left arm. Satpal Singh gave kirpan blow in the head of Pargat Singh and Raju Singh gave baseball blow in his chest. Jagsir Singh gave axe blow on the right side of his face and Posti gave dang blow on the finger of his right hand. Rajinder Singh @ Shani gave dang blow on the back of Pargat Singh and another blow between his thigh and back. Pakhan Singh gave 2-3 brick bat blows on the face of Pargat Singh, due to which his teeth were broken and he also received injuries on his jaw. They all, with intention to kill Pargat Singh, severely beaten him and caused injuries. They raised noise on which people gathered at the spot and accused persons, leaving Pargat Singh in semi dead condition, fled away from the spot with their respective weapons. Pargat Singh was got admitted to Civil Hospital, Kotkapura, from where he was referred to GGS Medical Hospital, Faridkot and then was referred to PGI Chandigarh. On the basis of this statement, cross rapat No.37 dated 9.6.2021 was registered against Ajay Singh, Baljinder Singh @ Meechu son of Veer Singh, Harjinder Singh @ Shani, Dharampreet Singh, Happy, Satpal Singh, Raju Singh, Jagsir Singh, Posti and Pakhar Singh son of Sukhchain Singh, for offence under Sections

307,324,323,506,148,149 IPC.”

Learned counsel for the petitioner has argued that in the alleged occurrence, both the sides have suffered injuries and the petitioner was falsely implicated in the cross versions recorded through GD No.37 dated 9.6.2021, under Sections 307, 324, 323, 506, 148 and 149, Indian Penal Code, 1860 (offence under Section 326 IPC added later on) at Police Station Sadar Kotkapur, District Faridkot. He submits that as per prosecution, the petitioner was armed with a ‘dang’, and the injury inviting offence under Section 307 IPC was attributed to co-accused Ajay Singh, Dharampreet Singh, Satpal Singh and Happy. He submits that similarly situated co-accused namely Jagsir Singh has already been extended concession of anticipatory bail. He prays for bail.

Custody certificate by way of affidavit of Rajiv Kumar Arora, Superintendent of Central Jail, Faridkot filed, is taken on record.

Learned State counsel assisted by ASI Sukhwinder Singh does not dispute the above submissions made by learned counsel for the petitioner and fairly states that the investigation of the case is complete and charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, challan stands presented on 06.10.2021 and the charges are yet to be framed. Admittedly, the petitioner is presently confined in judicial custody since 10.07.2021, therefore, his further detention may not be necessary for any useful purpose as the trial is likely to take time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

30.11.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No