

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

CRM-M-43985-2022

Date of Decision:-19.12.2022

Ajaydeep Singh @ Harjit Singh @ Jeetu.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Vikas Gupta, Advocate for the Petitioner.

Ms. Ramta Chowdhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.186 dated 12.05.2020 under Sections 379, 323, 324, 148, 149 and 307, 326, 325 (enhanced later on) IPC registered at Police Station Goindwal Sahib, District Tarn Taran.

The brief facts of the case are that one Balraj Singh got recorded the FIR with the allegations that on 07.05.2020 at about 4.00 in the evening, he along with nephew Gurpreet Singh @ Gori son of Dilbagh Singh and Gurpreet Singh son of Baljinder Singh resident of Malmohri were going towards Wai Pui brick Kiln from Malmohri. When they reached the gate of Wai Pui then Manjinder Singh @ Mani son of Mehal Singh riding a activa and Rajwinder Singh @ Raj son of Narinder Singh armed with *datar* and Harjinder Singh @ Jeetu armed with *gandasi* were sitting on the pillion seat. Sonu son of Partap Singh armed with baseball bat was riding the motor cycle and one unknown person was sitting on the pillion seat of Sonu's motor cycle. Then Manjinder Singh @ Mani raised a *lalkara*. Rajwinder Singh @ Raj gave a *datar* blow on the complainant and he raised

his arm to save himself and the blow hit his *kara* and arm. Then Harjinder Singh (petitioner also known as Ajaydeep Singh) gave a *gandasi* blow on his head. On seeing him being attacked his nephew Gurpreet Singh @ Gori and Gurpreet Singh ran away from spot. Then Harjit Singh @ Jeetu gave him a second *gandasi* blow hitting his head. Thereafter unknown accused gave 2/3 baseball bat blows on his back and stomach. On his raising an alarm all of them ran way. He was thereafter taken to the hospital. The occurrence had taken place as on the same day i.e. 7.5.2020 Manjit Singh Malmohri from the side of the present accused party had been injured at his (complainant's) and his companions instance.

The Counsel for the petitioner contends that the petitioner is in custody since 18.11.2020. Only 03 out of 19 prosecution witnesses have been examined and the petitioner is a first time offender. The complainant Balraj Singh had received injuries on his head for which he took treatment and has since been discharged from the hospital. Therefore, the petitioner deserves the concession of bail.

The Counsel for the State on the other hand while referring to the reply dated 19.12.2022 contends that the petitioner is the main accused . He has been attributed two blows with a *gandasi* on the head of the complainant. The recovery of *gandasi* has been effected from him. Though, Balraj Singh had stopped taking medicines, he was still having weakness in his body due to injures suffered by him and he could not perform his daily pursuits and his eye sight has also weakened. He thus contends that the petitioner does not deserve the concession of bail.

I have heard learned Counsel for both the parties at length.

Admittedly, the present complainant party had caused injuries to the petitioner's side in an earlier occurrence leading to the registration of the FIR No.187 dated 17.05.2020 (Annexure P-2). The petitioner is in custody since 18.11.2020 and only 3 out of the 19 prosecution witnesses have been examined so far and as such the Trial is not likely to be concluded any time soon. Even otherwise, he has clean antecedents with no other case registered against him. Therefore, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petitioner-Ajaydeep Singh @ Harjit Singh @ Jeetu son of Sh. Balwinder

Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

In addition, the petitioner or any person on his behalf shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited in accordance with law in case of the absence of the petitioner from the Trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 19, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>