

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

CRM-M-48908-2021(O&M)

Date of Decision:-08.08.2022

Ravinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Akbarjit Singh, Advocate for the Petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Ms. Gurkanwal Kaur, Advocate for
Mr. Sandeep Arora, Advocate for the complainant.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 439 Cr.PC is for grant of regular bail to the petitioner in case FIR No.163 dated 15.06.2020 under Sections 307, 323, 324, 326, 341, 148, 149, 506 IPC registered at Police Station Shahkot, District Jalandhar Rural.

The present FIR came to be registered at the instance of Balkar Singh who stated that he was an agriculturist. On 13.06.2020 while he was working in his fields in the morning one Gurwinder Singh son of Pal Singh was running his tractor in the adjacent fields. Ravinder Singh (the present petitioner) son of Pal Singh and Pal Singh himself were helping Gurwinder Singh in farm work and there throwing unwanted vegetation from their fields into his fields. On being stopped they started abusing him. He escaped from the spot but the accused followed him to his house and started beating him. Gurwinder Singh gave a *Datar* blow to him which struck his left wrist. Ravinder Singh gave a *Kahi* blow with intention to kill him which struck his right wrist. Thereafter Pal Singh armed with *Sotta* gave

two blows on his person which struck his back and left side of the forehead. On raising alarm his father Joginder Singh came to the spot. Pal Singh and his wife Parkash Kaur and Harjinder Kaujr wife of Gurwinder came there armed with weapons and started to beat his father Joginder Singh. Meanwhile, Ravinder Singh (present petitioner) gave *Kahi* blows on his father which struck his head and his left eye. Gurwinder Singh gave two *Datar* blows on Joginder Singh which hit his left arm and left small finger. Pal Singh also gave *danda* blows which struck his father on the left leg and back. On raising an alarm the accused ran away from the spot with weapons.

The Counsel for the petitioner *inter alia* contends that it is case of version and cross version. No offence under Section 307 IPC was made out as there was no injury which had been declared dangerous to life. In fact the case was registered initially under bailable offences and Section 307 and 326 IPC were added later on under political pressure. He contends that there are material discrepancies between the medical and ocular evidence. It is contended that the petitioner is in custody since 23.08.2022. Only three PWs out of 22 witnesses have been examined and injured Joginder Singh is mentally and physically fit, carrying out his daily pursuits and has not suffered any permanent/temporary disability of any kind. He thus contends that as the trial is not likely to be concluded in near future, the petitioner ought to be granted the concession of regular bail.

The Counsel for the State on the other hand submits that the petitioner is the main accused. Injured Joginder Singh had multiple fractures of the skull. Though he concedes that as per the assessment of a neurologist the injured Joginder Singh is clinically stable and has not suffered any permanent disability. He however submits that the seriousness of the allegations do not entitle the petitioner to the grant of bail.

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

Admittedly, both sides are neighbours. The alleged occurrence has taken place at the spur of the moment without any pre-meditation. The petitioner is in custody since 23.08.2022 and only three PWs out of 22 witnesses have been examined. The cross complaint bearing CIS No:COMI-5-2021 titled Pal Singh Vs. Joginder Singh etc., has also been filed by the petitioner side against the opposite side which is pending

adjudication for 06.08.2022. In view of these facts the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-**Ravinder Singh** son of Sh. Pal Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

If any attempt whatsoever is made by the petitioner and/or his family members to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

Petitions stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>