

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106 + 216)

CRM-M-50996-2021 (O&M)
Date of decision: - 02.08.2022

Darshan Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Bhavyadeep Walia, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. S.S. Chahal, Advocate
for Mr. Naresh Jain, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

CRM-26142-2022

This is an application filed under Section 482 Cr.P.C. for placing on record the copy of zimni orders as Annexure P-8.

Application is allowed, as prayed for. The copy of zimni orders (Annexure P-8) are taken on record, subject to all just exceptions.

CRM-M-50996-2021

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.51 dated 07.06.2020, under Sections 302, 148 and 149 IPC, registered at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner has submitted that the

present case is a case of version and cross-version and has submitted that the incident had taken place in village Dudhike, which is the village of which the petitioner is a resident and the people belonging to the complainant's party are stated to be residents of village Chuharchak Gill Patti. It is further submitted that the petitioner has been in custody since 30.06.2020 (2 years and 1 month approx.) and the challan has already been presented and there are 24 prosecution witnesses, out of which, only 12 witnesses, including the material witnesses, have been examined, thus, the trial is likely to take time. It is further submitted that even as per the FIR, in which the petitioner has been made an accused, there is no allegation against the petitioner of having caused any injury to the deceased. The allegation against the present petitioner is with respect to raising a *lalkara*. It is also submitted that the cross version has been got registered by Paramjit Kaur, who is wife of the petitioner, as per which she had suffered specific injuries including *kirpan* blow injury on the left side of her face and a baseball bat blow on the left foot. It is contended that the question, as to whether whose party was the aggressor, would be determined finally during the course of trial and the fact that incident had taken place in the village where the petitioner's party resides and not where the complainant party resides, shows that there was no pre-mediation for committing the alleged offences on behalf of the petitioner and the other co-accused. It is further contended that the petitioner is not involved in any other case.

Learned State counsel as well as counsel appearing on behalf of the complainant have opposed the present petition for regular bail and

have submitted that in the present case, son of the complainant Manvir Singh had died on account of the injuries inflicted by co-accused of the petitioner and the petitioner was also present at the spot and had given raised *lalkara* prompting the co-accused to attack the said Manvir Singh and the petitioner had a strong motive inasmuch as his daughter was being eve teased by Jumma and Hardeep Singh, who were friends of the said deceased and the deceased had helped the said Jumma and Hardeep Singh.

Learned counsel for the petitioner in rebuttal has submitted that even going as per the prosecution case, the petitioner would have had a motive to attack the persons who had eve teased his daughter and not alone the persons, who as per prosecution case, had helped the said two persons.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner is in custody since 30.06.2020 (2 years and 1 month approx.) and the challan has already been presented and there are total 24 prosecution witnesses, out of which, only 12 have been examined, thus, the trial is likely to take time. Moreover, the material witnesses have already been examined, thus, the question of influencing and threatening them does not arise and the petitioner is stated to be not involved in any other case. The present case is a case of version and cross version and even as per the FIR in which petitioner has been made an accused, no specific injury has been attributed to the petitioner. The incident had taken place in village Dudhike, of which the petitioner is a

resident whereas the complainant is a resident of village Chuharchak Gill Patti. The question, as to which party was the aggressor, would be finally adjudicated during the course of the trial.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

August 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes