

**CRM No.7593 of 2022 in/and
CRM-M-54436 of 2021**

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

110(2)

**CRM No.7593 of 2022 in/and
CRM-M-54436 of 2021
Date of decision:10.03.2022**

Baljit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CRM No.7605 of 2022 in/and
CRM-M-54411 of 2021**

Sukhbir Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. K.S.Kahlon, Advocate
for the petitioner(s) in both cases.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

**CRM No.7593 of 2022 in CRM-M-54436 of 2021 and
CRM No.7605 of 2022 in CRM-M-54411 of 2021**

Prayer in the applications is for preponement of hearing of the
main cases, which are fixed for 26.04.2022.

Keeping in view the prayer made in the applications, hearing of
both the main cases is preponed to today and they are taken on Board for
hearing.

Applications are allowed.

CRM-M-54436 of 2021 and CRM-M-54411 of 2021

This order will dispose of two petitions bearing Nos.CRM-M-54436 of 2021 titled as 'Baljit Singh Vs. State of Punjab' and CRM-M-54411 of 2021 titled as 'Sukhbir Singh and another Vs. State of Punjab', whereby, the petitioners, who are accused in FIR No.53 dated 20.11.2021 registered under Sections 452, 324, 326, 354-B, 323, 148, 149 of Indian Penal Code, 1860 at Police Station Kotli Surat Malhi, Police District Batala, have approached this Court by way of separate petitions seeking grant of regular bail.

For the sake of convenience, facts are being taken from CRM-M-54411 of 2021.

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of Balbir Kaur that on 19.11.2021, her brother Nirankar Singh came to meet her. Sukhbir Singh (petitioner No.1 in CRM-M-54411 of 2021) armed with a *datar*, Amarjit Singh armed with a *kirpan*, Harjit Singh armed with *dang*, Baljit Singh (petitioner in CRM-M-54436 of 2021) and Davinder Singh (petitioner No.2 in CRM-M-54411 of 2021), both of whom were empty handed, forcibly entered her house and started abusing her. Davinder Singh provoked the co-accused by stating that as the complainant is not withdrawing the case registered by her, she and her family deserve to be taught a lesson. Sukhbir Singh hit her with a *datar* on her left wrist, Amarjit Singh gave a reversed *kirpan* blow on right bicep. Harjit Singh hit her with a stick on her back. Baljit Singh and Davinder

Singh gave fist blows on her chest and all of them tore her shirt. Meanwhile, her husband came on the spot and all the accused inflicted injuries on him with their weapons and the accused fled away from the spot. The occurrence was witnessed by her brother, Nirankar Singh.

Counsel for the petitioner contends that the FIR is a counter blast to a criminal complaint (Annexure P-3) lodged by accused Davinder Singh against the complainant, who are related and her family members. According to the counsel, genesis of the dispute is an un-partitioned and jointly held agricultural land. He urges that the complainant is alleged to have received four injuries, out of which, one has been declared to be sharp, which is attributed to accused, Sukhbir Singh. Still further, he argues that it is yet to be determined as to which of the two sides is aggressor as it is a case of version and cross-version, though cross-version is yet to be registered. He has argued that although there is an allegation under Section 354-B, IPC, but there is no accusation against the petitioners of any intention to disrobe the complainant or compelling her to be naked. He has placed reliance upon the orders dated 15.12.2021, whereby, co-accused, Harjit Singh and Amarjit Singh have been granted interim anticipatory bail by this Court. He asserts that the petitioners, who have a clean past, are no longer required for the custodial interrogation as investigation has been completed and the petitioners, who are in custody for more than three months, deserve to be released on bail.

Per contra, State counsel upon instructions from ASI Dilbagh Singh, has opposed the petitions and has submitted that one of the accused

is alleged to have caused grievous injury to the complainant and all of them were members of an unlawful assembly and attacked the complainant because of previous enmity. As per his instructions, final report under Section 173 Cr.P.C, has been presented before the Competent Court on 17.02.2022, but the charge has not been framed.

Having heard counsel for the parties, keeping in view the nature of allegations against the petitioners, their period of custody as well as their unblemished past, this Court is of the view that the petitioners deserve to be released on bail as the trial is yet to start.

Without advertng to the arguments addressed by counsel for the parties, the petitions are allowed and the petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 10, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No