

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

CRM-M-54607-2021

Date of Decision:-28.10.2022

Harjinder Singh @ Bhinda Fauji.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Prateek Sodhi, Advocate for
Mr. Vabihav Narang, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Kushagra Mahajan, Advocate for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.107 dated 04.06.2021 under Sections 307, 323, 324, 148, 149 IPC and Section 326 IPC added later on and 27 of the Arms Act, 1959 registered at Police Station Majitha, District Amritsar Rural.

2. The FIR came to be registered at the instance of Davinder Singh who stated that he was an agriculturist. On 3.6.2021 at about 9.00 am Harjinder Singh @ Bhinda Fauji, Gulzar Singh, Harjinder Singh's wife Baby and Mandeep Singh @ Ajju were digging the government *phirni*. His father Gurwant Singh being the sarpanch of the village stopped them from

doing so. They started using foul language and abusing his father. In the evening at about 5/5.30 pm Harjinder Singh @ Bhinda Fauji armed with 12 bore rifle, Mandeep Singh @ Ajju armed with 12 bore rifle, Chirda armed with rifle, Sawinder Singh armed with pistol, Shera armed with *Kirpan*, Sajjan armed with *Datar*, Kala Singh armed with brick, Gulzar Singh armed with brick along with 5/6 unknown persons came outside his house with their respective weapons and raised *lalkaras*. When his family members came out to see then the aforementioned persons attacked them. Shera attacked Baldev Singh on his head with sword which hit on his left ear and simultaneously Harjinder Singh @ Bhinda Fauji (petitioner) and Mandeep Singh both fired three shots each from their respective weapons towards them (complainant party) due to which pellets struck his left wrist and Dalbir Singh also received injuries from these pellets on his right shoulder and on the right side of his navel and hip. Gurpreet Singh received pellet injuries on the face. Anoop Singh received pellet injury on the left side of his chest and the middle finger of his right hand. Dalbir Kaur received pellet injury on his throat near his left eye. All the injured were taken to the government hospital Majitha by his father where they were referred to Guru Nanak Dev Hospital, Amritsar. Baldev Singh was referred to ENT Hospital whereas the rest of the injured were under treatment at GNDH, Amritsar. The reason for the occurrence was that his father (complainant's father) being the sarpanch had stopped the petitioner from digging the government *phirni*.

3. The Counsel of the petitioner contends that the present FIR has been registered in order to pressurize the petitioner to withdraw his complaint made against the complainant for threatening and beating the

petitioner and his family members by entering his house on 3.6.2021. The petitioner had received injuries attracting Section 326 IPC and a cross version in that regard has been registered. In fact the petitioner and his family members had opposed the sarpanch (father of the complainant) in the village elections due to which the complainant party was enmical to the petitioner side. On the day of occurrence the petitioner and his wife had politely told the complainant party that they were just managing the drainage of the stagnant water standing outside their house and it is the complainant party including the sarpanch who initiated the occurrence. A number of persons from the complainant party armed with iron rods and tanglees had attacked the petitioner side and removed his turban. He contends that the petitioner is in custody since 25.08.2021 and report under Section 173(2) Cr.PC already stands submitted to the Court. None of the 24 prosecution witnesses have been examined so far and, therefore, the trial of the present case is not likely to be concluded in near future. Since the petitioner has clean antecedents other than two FIRs under the Prisons Act, he ought to be granted the concession of bail.

4. The Counsel for the State while referring to the reply dated 14.02.2022 submits that petitioner is one of the main accused and he along with Mandeep Singh @ Ajju had fired from their respective weapons on the complainant party with an intention to kill, causing injuries to those persons. He however does not dispute the fact that it is a case of version and cross version, the period of custody undergone by the petitioner as also the stage of Trial.

5. The Counsel for the complainant on the other hand states that he does not have any objection to the grant of bail to the petitioner.

6. I have heard counsel for the parties at length.
7. Admittedly, it is a case of version and cross version. The petitioner has also received injuries attracting Section 326 IPC and a cross version in that regard has been registered. The petitioner is in custody for more than one year and none of the 24 witnesses have been examined so far. In this view of the matter, the further incarceration of the petitioner is not required more so when the counsel for the complainant has not objected to the grant of bail to the petitioner.
8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Harjinder Singh @ Bhinda Fauji** son of **Sh. Iqbal Singh** is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 28, 2022
Vinay

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