

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-57505-2022 (O & M)****Date of decision: 15.12.2022**

Bhura Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahul Vijay Singh Chugh, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. J.K. Singla, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.137 dated 03.08.2022 under Sections 307, 34 IPC registered at Police Station Bhikhi, District Mansa, Sections 324, 323, 326 IPC (added later on).

2. The brief facts of the case are that the statement of Amandeep Singh son of Dhanna Singh was recorded to the effect that he was an agriculturist and had a younger brother-Gagandeep Singh. He and his brother-Gagandeep Singh accompanied by a friend Yudhveer Singh had loaded sweet corn in their trolleys and had come to their house. At that time, at about 7.30 p.m., in the evening, Bhura Singh @ Kala son of Jangeer Singh armed with an iron *kirpan*, Lovepreet Singh armed with an iron rod in front of which a sprocket was fitted, Bhura Singh (petitioner) son of Surjeet Singh armed with *gandasa* and Sukhpreet Singh son of Bhura Singh armed with *gandasa* raised a *lalkara*. Sukhpreet Singh gave a blow of his *gandasa* on his (complainant's) wrist. Bhura Singh gave two blows of his *gandasa*

on the backside of his left shoulder, Lovepeet Singh gave a blow of his iron road sprocket in the front side and hit the left side wrist of his (complainant's) younger brother Gagandeep Singh. Then, Bhura Singh @ Kala gave three blows of his sword Yudhveer Singh with an intention of kill. Once sword blow hit on the left side of the head of Yudhveer from the sharp side, one blow struck his right thumb from the sharp side and one blow struck the centre finger of the right hand of Yudhveer Singh. On raising an alarm, all the accused ran away from the spot. The dispute was on account of a piece of land claimed by both the parties.

3. The learned counsel for the petitioner contends that only simple injuries have been attributed to the petitioner. In fact, it is a case of version and cross-version and co-accused of the petitioner, namely, Lovepreet Singh and Gurjant Singh have received injuries at the hands of the complainant party as is borne out from Annexure P-2 and P-3 respectively. The co-accused of the petitioner, namely, Lovepreet Singh and Sukhpreet Singh have been granted the concession of anticipatory bail by this Court vide separate orders dated 07.12.2022 passed in CRM-M-41805-2022 and CRM-M-43550-2022. None of the 14 prosecution witnesses have been examined so far. Since the petitioner is in custody since 03.08.2022 and the Trial is not likely to be concluded in the near future, the petitioner ought to be granted the concession of bail.

4. The learned counsel for the State, on the other hand, submits that all the accused collectively assaulted the complainant party. The nature of the assault did not entitle the petitioner to the grant of bail. He, however, does not dispute the fact that the co-accused of the petitioner, namely, Lovepreet Singh and Sukhpreet Singh have been granted the concession of

anticipatory bail as also the fact that none of the 14 prosecution witnesses has been examined so far and the petitioner is in custody since 03.08.2022.

5. The learned counsel for the complainant has vehemently opposed the bail application contending that the manner in which the occurrence took place does not entitle the petitioner to the grant of bail. He, however, admits that the injury attributed to the petitioner is simple in nature.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner is in custody since 03.08.2022 and none of the 14 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. The co-accused of the petitioner have been granted the concession of anticipatory bail. As such, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Bhura Singh son of Surjit Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

December 15, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No