

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-7495-2023
Date of Decision: 17.04.2023

Balwinder Singh

...Petitioner

V/S

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr.Lakhwinder S. Sidhu, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA J. Oral

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in the case bearing FIR No.55 dated 11.09.2022 registered under Sections 324, 323, 148 & 149 of the Indian Penal Code, 1860(further added Section 307 of the IPC) at Police Station Jaukian District Mansa.

Short reply by way of an affidavit of Sh. Gobinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Sardulgarh, District Mansa has been filed by learned State counsel, which is taken on record.

Brief facts of the case are that on 09.09.2022 at about 8.30 PM, son of the complainant namely, Satnam Singh and brother-in-law Balkaran Singh son of Jagroop singh had gone to the fields, where Joginder Singh and Balwinder Singh sons of Sukhdev Singh started abusing them. Upon hearing their loud voices coming from the fields, complainant along with her husband Nachattar Singh, with batteries in their hands, went to the fields and saw that Joginder Singh son of Sukhdev Singh, Balwinder Singh, Arshdeep Singh son of Joginder Singh armed with gandasa, Rani Kaur wife of Joginder Singh and Komalpreet Kaur daughter of Joginder Singh armed with stick in their hands

were abusing complainant's son Satnam Singh and brother in law Balkaran

Singh. Joginder Singh gave a gandas blow to complainant's son Satnam Singh, which hit him on the left side of his forehead and Balwinder Singh gave a gandas blow to Satnam Singh on his left eye and upon which her son fell down. Rani Kaur gave a stick blow on the left knee of Satnam Singh while Komalpreet Kaur gave a stick blow on his right leg. Upon outcry having been raised by them, the aforementioned assailants along with their weapons fled away from the spot. The injured were taken and were got admitted in Civil Hospital, Sardulgarh. On these allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the allegations against the petitioner is that he gave a gandas blow on the left eyebrow of Satnam Singh whereas as per the MLR pertaining to Satnam Singh there are four injuries on his person and the injury No.2, which has been attributed to the petitioner is simple in nature. Learned counsel for the petitioner further submits that the injury No.1, which has been declared as dangerous to life has been attributed to the other co-accused, namely, Joginder Singh. He further contends that the petitioner is not involved in any other case except the present one and has clean antecedents, whereas he is in custody since long and the challan stands presented. He prays for bail.

On the other hand, learned State Counsel on instructions from Investigating Officer has opposed the aforesaid prayer on the ground that the petitioner has caused injuries to the complainant and is a member of unlawful assembly, however, he does not dispute that the injury attributed to the petitioner is simple in nature i.e. injury No.2 and the charges have been framed but no prosecution witnesses have been examined so far.

Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that the contention of the petitioner with regard to cause of action is

found to be correct that the same has been admitted by the State in his reply, which is simple in nature and even as per custody certificate, no other case is pending against the petitioner, who is in custody for a period of more than four months where the investigation has been completed and challan stands presented. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

17.04.2023
sapna

(DEEPAK MANCHANDA)
JUDGE

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