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

**CRM-M-24841-2023
Date of decision : 08.11.2023**

JOGINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. J.K. Singla, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with ASI Jasdev Singh.

Mr. J.S. Dhaliwal, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.55 dated 11.09.2022 registered for the offences punishable under Sections 324, 323, 148, 149 of the Indian Penal code, 1860 and further added Section 307 of the Indian Penal Code at Police Station Jaurkian, District Mansa.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. As per the contents of the FIR, it has been alleged as under :

“Stated that I am resident of aforesaid address. I am household lady. Our house is in the fields at village Jherianwali. Near our house is the house of Joginder Singh son of Sukhdev Singh,

resident of Jherianwali. Our fields are near our house. On dated 09.09.2022, time was about 8:30 PM, my son Satnam Singh son of Nachhattar Singh and my DEVAR (brother-in-law) Balkaran Singh son of Jagroop Singh had gone to take the round of our fields near our house. There Joginder Singh and Balwinder Singh sons of Sukhdev Singh, residents of Jherianwali, started abusing them. On hearing their noises (RAULA) I and my husband Nachhattar Singh started walking towards our fields carrying torches. When we reached at the fields we saw that in our fields Joginder Singh son of Sukhdev Singh, who was armed with GANDASA, Balwinder Singh, who was armed with GANDASA, Arshdeep Singh son of Joginder Singh, who was armed with GANDASA, Rani Kaur wife of Joginder Singh, who was armed with stick (SOTI) and Komalpreet Kaur daughter of Joginder Singh, who was armed with stick (SOTI) were all abusing my son Satnam Singh and my DEVAR Balkaran Singh. Thereafter, in our full view Joginder Singh gave blow of Gandasa held by him upon my son Satnam Singh which hit on the left side of his forehead. Thereafter, Balwinder Singh gave a blow of Gandasa held in his hand upon my son Satnam Singh which hit on his left eyebrow and my son fell down. While he was lying down Rani Kaur gave stick (SOTI) blow on his left knee and Komalpreet Kaur gave stick (SOTI) blow on front upper portion of his right lower leg. When my DEVAR Balkaran Singh tried to rescue my son, then Arshdeep Singh gave GANDASA blow upon my DEVAR Balkaran Singh which hit in the middle of his forehead. While we raised the RAULA all aforesaid persons ran away from the spot alongwith their weapons. Then we arranged for the vehicle and got my son Satnam Singh and my DEVAR Balkaran Singh admitted at Government Hospital, Sardulgarh. Having received multiple injuries Doctor Sahib referred them to higher Hospital. Then we got them admitted at City Healthcare Hospital, Sirsa, where they are under treatment. The motive is that we have an old dispute

with Joginder Singh etc., regarding land. Because of this reason they keep on fighting with us and keep abusing us. Joginder Singh etc., have inflicted injuries upon my son Satnam Singh and my DEVAR Balkaran Singh. Legal action may be taken against the aforesaid. I have got recorded my statement, the same has been read out and is correct. RTI Naseeb Kaur, endorsement of the statement Sd/- Jagseer Singh son of Amrik Singh, resident of Roorki, Sd/- Harpreet Singh son of Nachhattar Singh, resident of Jherianwali. Attested Sd/- Rail Jaurkian, dated 11.09.2022. Police Kumar ASI, PS Proceedings:- On dated 09.09.2022, during the night, one telephone call was received from MHC, PS Sardulgarh that Satnam Singh son of Nachhattar Singh and Balkaran Singh son of Jogroop Singh, residents of Jherianwali have been admitted at Government Hospital, Sardulgarh for treatment after having received injuries during a fight. I/O may be sent for initiating the proceedings and ruka may be obtained from PS Sardulgarh. It being late in the night no proceedings could be initiated. On dated 10.09.2022 in the morning one telephone call was received from No. 97283-75033 from City Healthcare Hospital, Sirsa at the Police Station that Satnam Singh son of Nachhattar Singh and Balkaran Singh son of Jagroop Singh, residents of Jherianwali have been admitted at City Healthcare Hospital, Sirsa after being referred. I/O may be sent for initiating the proceedings. On dated 10.09.2022 I, ASI, along with my fellow officers, received ruka from Police Station Sardulgarh and reached at Government Hospital, Sardulgarh and obtained MLR No. 24/AK/SDH/SARDULGARH/2022 pertaining to Satnam Singh and MLR No. 23/AK/SDH/SARDULGARH/2022 pertaining to Balkaran Singh. Thereafter, today I, ASI, along with HC Manjinder Singh 1156, C Harvinder Singh 1580, C Navdeep Singh 788 reached at City Healthcare and Neuro Research Centre Hospital, Sirsa for recording the statement and obtained written opinion from Doctor Sahib regarding the fitness of injured Satnam Singh and Balkaran

Singh to make the statement. Doctor Sahib declared the injured as unfit to make the statement. Thereafter, mother of Satnam Singh, namely Naseeb Kaur wife of Nachattar Singh, resident of Jherianwali, accompanied by her son Gurpreet Singh and Jagseer Singh son of Amrik Singh, resident of Roorki met us at the Hospital. She got recorded her aforesaid statement with me, ASI. I, ASI recorded the statement word by word and read out the same, she admitted the same to be correct and appended her left thumb impression. The endorsement of the statement was made by Gurpreet Singh and Jagseer Singh, aforesaid. In MLR No.23/AK/SDH/SARDULGARH/2022 pertaining to Balkaran Singh, Doctor Sahib has recorded one injury which is sharp and Doctor Sahib has kept the same for under X-ray and Surgeon opinion. In MLR No. 24/AK/SDH/SARDULGARH/2022 pertaining to Satnam Singh, Doctor Sahib has recorded four injuries. Out of those injuries No. 1 and 2 are sharp and injuries No. 3 and 4 are blunt which have been kept for under X-ray. From the aforesaid statement and aforesaid MLRs, upto this stage offence under Sections 324, 323, 148, 149 IPC is made out against Joginder Singh, Balwinder Singh sons of Sukhdev Singh, Arshdeep Singh son of Joginder Singh, Komalpreet Kaur daughter of Joginder Singh and Rani Kaur wife of Joginder Singh, residents of Village Jherianwali. On this the statement is being sent to Police Station Jaurkian through C Harvinder Singh 1580 for registration of case under aforesaid offences against aforesaid accused. The case may be registered and case number may be made known. PCR Mansa may be informed. On receipt of X-ray report the necessary further proceedings would be initiated. I, ASI, along with my fellow officers and complainant, am engaged in the investigation. Today, at City Healthcare and Neuro Hospital, Sirsa at 12:45 PM. Sd/- Raja Kumar, ASI, PS Jaurkian, dated 11.09.2022. On receipt of the statement at police station case aforesaid, under aforesaid offences, has been registered against Joginder Singh

son of Sukhdev Singh, Balwinder Singh son of Sukhdev Singh, Arshdeep Singh son of Joginder Singh, Komalpreet Kaur daughter of Joginder Singh and Rani Kaur wife of Joginder Singh, residents of Jherianwali. The case file has been completed. The case file, alongwith original statement, is being forwarded through C Harvinder Singh 1580/Mansa to ASI RajKumar 368/Mansa. Copies of FIR are being forwarded to Illaqa Magistrate and Officers. PCR Mansa is being separately informed. xxx”

4. Counsel for the petitioner submits that the investigation already stands concluded and challan stands presented. The petitioner is behind bars for more than 1 year, 1 month and 14 days. Thus there can't be any apprehension that the petitioner shall tamper with the evidence and the custody of the petitioner cannot be allowed to be prolonged as punitive measure.

5. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not

be construed to be an expression of opinion on the merits of the case.

November 08, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No