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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-30852-2023 (O & M)
Date of decision: 26.07.2023**

Talwinder Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**Present:** Mr. G.B.S. Dhillon, Advocate,
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Himanshu Chhabbra, Advocate,
and Mr. Navjot Narang, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.0045 dated 10.04.2023 under Sections 307, 326, 323, 341, 506, 148 and 149 IPC (Sections 336 IPC added later on) and Sections 27/29/54/59 of the Arms Act, 1959 registered at Police Station Moonak, District Sangrur.

2. The present FIR came to be registered on the statement of Gurbinder Singh, who stated that he was an agriculturist. On 09.04.2023 at about 9.00 p.m., he alongwith Ramandeep Singh, Gupreet Singh, Kulwinder Singh, Satpinder Singh and Palpinder Singh were walking in the ground. In the meantime, Tarasvir Singh, Gurwinder Singh, Dharminder Singh

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(petitioner, subsequently known to be Talwinder Singh), Ajaib Singh, Gursharan Singh, Gursangat Singh, Bhajan Singh, Pargat Singh, Fulwant Singh, Harjinder Singh, Sukhwinder Kaur wife of Pargat Singh, Jaspal Kaur wife of Surinder Singh and Jasmail Kaur wife of Harjinder Singh came to the spot. Tarasvir Singh fired a shot in the air. Then Gurwinder Singh gave a sword blow on his (complainant's) buttock. Dharminder Singh (petitioner) was telling his co-accused to hit his (complainant's) neck with a sword. Then, Gurbinder Singh gave a sword blow on the head of Ramandeep Singh, who raised his left arm in his defence. Then Gurbinder Singh gave a sword blow on the left wrist of Ramandeep Singh (complainant's uncle). The other accused also abused them (complainant party). On the intervention of the villagers, the accused fled away from the spot. Thereafter, they (complainant party) were taken to hospital and provided treatment. Legal action was sought.

3. The learned counsel for the petitioner contends that it is a case of version and cross-version. A cross-version came to be registered at the instance of Pargat Singh from the accused party against the present complainant party bearing DDR No. 60 dated 20.04.2023 under Sections 323, 341, 334 and 34 IPC. So far as the petitioner was concerned, no specific injury had been attributed to him. The recovery of a licenced 32 bore revolver had been shown from him, though, no fire-arm injury had been caused on the complainant party. As the petitioner was in custody since 09.05.2023, none of the 32 prosecution witnesses had been examined so far, and he was a first-time offender, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends

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co-accused. During the course of investigation, it transpired that the petitioner had fired in the air with his 32 bore revolver. The said weapon had been taken by co-accused Tarasvir Singh who had also fired in the air with the said revolver. The same was recovered from the possession of the petitioner. Therefore, the petitioner was not entitled to the grant of bail. He, however, concedes that the petitioner was in custody since 09.05.2023, none of the 32 prosecution witnesses had been examined so far and that the petitioner was a first-time offender.

5. The learned counsel for the complainant contends that the petitioner alongwith his co-accused had attacked the complainant party and had also fired in the air. Therefore, the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the grant of bail.

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

7. The veracity of the prosecution case shall be adjudicated upon during the course of trial. Admittedly, the petitioner is in custody since 09.05.2023, is a first-time offender and none of the 32 prosecution witnesses have been examined so far. Therefore, the trial in the present case is not likely to be concluded anytime soon. In this situation, his further incarceration is not warranted.

8. In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Talwinder Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month

before the police station concerned till the conclusion of the trial and furnish

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an affidavit each time that he is not involved in any case/crime other than the cases referred to in this order.

10. In addition, the petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

July 26, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No