

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33590-2023 (O & M)

Date of decision: 20.07.2023

Gurjant Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arshpreet Khadial, Advocate, for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

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 and Sections 326, 324, 323, 201 IPC (added later on) registered at Police Station Bhikhi, District Mansa.

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, Gurjant Singh @ Kala (petitioner) son of Jangir Singh armed with an iron *kirpan*, Lovepreet Singh armed with an iron rod in front of which a sprocket was fitted, Bhura Singh 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, Gurjant Singh @ Kala (petitioner) 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 it is a case of version and cross-version. The petitioner-Gurjant Singh and his son Lovepreet Singh had also suffered injuries at the hands of the complainant party and it would be a moot point as to which party was the aggressor. A DDR No.42 dated 04.08.2022 was recorded on the statement of Gurjant Singh-injured, who is the petitioner. His medico legal examination also took place on 03.08.2022. He contends that the ocular version is contradicted by the medical evidence. As per the case of the prosecution, the petitioner had inflicted sword injuries on the person of Yudhveer Singh, he suffered three lacerated wounds, which could not have been possible with a sharp-edged weapon. In fact, the injuries appeared to have been inflicted as Yudhveer Singh got admitted at CHC, Bhikhi on 03.08.2022 and after getting issued the MLR, he left the hospital against medical advice. Thereafter, he got himself admitted at Government Rajinder Hospital, Patiala on 04.08.2022 and then again left the hospital against medical advice. Therefore, there is likelihood that the medical reports including the NCCT reports have been procured in connivance with the doctors and the local police. He contends

CRM-M-33590-2023

::3::

made out but on account of pressure exerted by the complainant party, the FIR stood registered under Section 307 IPC as well. As the petitioner was in custody since 15.03.2023, none of the prosecution witnesses has been examined so far and to co-accused, namely, Lovepreet Singh and Sukhpreet Singh Gandhu have been granted the concession of anticipatory bail by this Court vide orders dated 07.12.2022 passed in CRM-M-41805-2022 and 07.12.2022 passed in CRm-M-43550-2022 respectively. The petitioner was entitled to the concession of regular bail as the trial was not likely to be concluded in the near future.

4. The learned counsel for the State, on the other hand, contends that the accused collectively assaulted the complainant party. However, it was the petitioner who was the main accused. The manner in which the assault took place and the role played by the petitioner did not entitle him to the grant of bail. She, however, does not dispute the fact that the co-accused of the petitioner, namely, Lovepreet Singh and Sukhpreet Singh Gandhu have been granted the concession of anticipatory bail as also the fact that none of the 14 prosecution witnesses had been examined so far and that the petitioner is in custody since 15.03.2023.

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

6. Which party is the aggressor party would be adjudicated upon during the course of trial. Admittedly, the petitioner is in custody since 15.03.2023 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, namely, Gurpreet Singh and Sukhpreet Singh Gandhu have been granted the concession of anticipatory bail by this Court vide orders dated 07.12.2022 passed in CRM-M-41805-

CRM-M-33590-2023

::4::

2022 and 07.12.2022 passed in CRM-M-43550-2022 respectively. As such, the further incarceration of the petitioner is not required.

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

8. In addition, the petitioner (or through someone else on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 20,2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No