

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-41882-2023

Date of Decision:-08.11.2023

Balwinder Kumar @ Bali.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sarju Puri, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.84 dated 18.10.2022 under Sections 324, 323, 34 IPC and Section 307 IPC (added later on) registered at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar.

2. The present FIR came to be registered at the instance of Ashwani Kumar who stated that he was working at a shop at Balachaur. On 17.10.2022, at about 6.30 am while he along with his Taya Jasbir Kumar, Prince son of his Taya and Aunt (Tayi) Ranjit Kaur had gone to Bhaddi Road, Balachaur for opening the shop, then their neighbour shopkeeper Pamma, Biri and Bali (petitioner) sons of Ram Kishan were placing their goods out side their shop. Bali pushed his Aunt. She fell down after which he gave her kick blows. Biri gave a rod blow on her hips. Thereafter, Biri gave a rod blow directly on his (complainant's) right wrist and Bali and Pamma scuffled with him. Meanwhile the son of his uncle Prince also

came from outside and Bali gave a direct blow with an iron rod on the head of the Prince due to which he started bleeding and fell down. While he was lying on the ground Pamma and Bali gave blunt injuries on his person. Thereafter they were all taken to civil hospital for treatment. The motive behind the occurrence was a dispute regarding the running of their respective shops.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The FIR had initially been registered only under Section 323, 324, 34 IPC but the offence under Section 307 IPC was added vide DDR No.39 dated 26.10.2022. In fact the injured had been admitted in hospital on 17.10.2022 and was discharged on 19.10.2022 and at that time it was stated that the injured received grievous injuries. Therefore, there was no medical evidence for declaring the said injury on the person of injured Prince as dangerous to life. The injuries suffered by Ashwani and Ranjit Kaur were simple in nature. Even otherwise, it is a case of version and cross version in which the petitioner himself had received 06 injuries at the hands of the complainant party. As the petitioner was in custody since 09.04.2023, none of the 16 prosecution witnesses had been examined so far and he was a first time offender, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner for having caused grievous injuries to Prince which were declared dangerous to life. Therefore, the petitioner was not entitled to the concession of bail. He however concedes that the injured had been discharged from the hospital, that the petitioner is a first time offender, in custody since 09.04.2023 and that none of the 16 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly the injured had been discharged from the hospital and is following his daily pursuits. The petitioner is stated to be in custody since 09.04.2023 and none of the 16 prosecution witnesses had been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Balwinder Kuamr @ Bali** son of Sh. Ram Kishan Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.
11. In addition, the petitioner (or anyone 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.
12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

November 08, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No