

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43991-2023
Date of decision : 30.11.2023

BILLA @ SAJAN @ SANDEEP MASIHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. A.S. Prajapati, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab ASI Baljinder Singh.

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.116 dated 18.12.2021 registered for the offences punishable under Sections 326, 324, 506, 148, 149 of the Indian Penal Code, 1960 at Police Station Qilla Lal Singh, District Gurdaspur, Punjab.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

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

“xxx I am resident of the above said address and work as a truck driver. I am driving a truck son of my cousin (BUAA) namely Autar Singh son of Kartar Singh resident of Jaintipur. On 04-12-2021 our vehicles loaded wheat from Dera Baba Nanak and another driver Ballu resident of Akarpura Kalan who took this vehicle to his village Akarpur Kalan time will be around 7:30

PM., Then I'm and Autar Singh we Both of them went to the village of Akarpur Kalan to find out the driver Ballu, why he did not bring the vehicle's, then we were standing and talking near the church of Ballu's house. Meanwhile 8-10 people came riding on motorcycles with stick and Datar in their hands, they started cursing me. Out of the two I knew, the name of one is Billa son of Booti and o Masth, a resident of village Chandu Manjh and Madan resident of Dalechak, I can recognize the rest when they come on front, Among all these people Madan said that it should not be saved, so Billa son of Booti Masih, a resident of Chandu Manjh, hit me directly on my head with Datar in his hand, when I was unconscious and fell on the ground, and then on my left arm said Billa made three blows with Datar in his hand, and thereafter one of the unknown youths who came with him blows me with Datar in his hand behind and in front of my right ear. Seeing me getting beaten up, A lot of people gathered there. Seeing them gathering together, they escaped with their motorbikes with their respective weapons. This is the whole incident my cousin Buaa's son Avtar Singh has seen with his own eyes. He was taken to me to civil hospital Batala in his car and got admitted me and where doctor give me first add and Doctor referred me to Guru Nanak Hospital Amritsar due to serious injuries, where my treatment is going on. I could not report the matter due to the injuries. The reason for enmity is that we had a fight with above said Billa at Jaintipur Adda 5-6 months ago, he comes with their companions and injured me due to under the said grudge. Legal action be taken against the above named Billa, Madan and other unknown persons. Sd/-Ranjit Singh xxx”

4. The petitioner is alleged to have caused injury with *datar* on the head of the complainant. He is behind bars for last more than 8 months and 19 days. Investigation already stands concluded and challan stands

presented. Thus, there can't be any apprehension that the petitioner shall tamper with the evidence.

5. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

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

7. 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 30, 2023
Dpr (Pankaj Jain)
Judge

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