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

CRM-M-51732-2022 (O&M)

Date of Decision: 06.07.2023

Kartar Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Satwant Mehta, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Harjinder Singh, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439

Cr.P.C, pending trial in case FIR No.032 dated 28.04.2022 registered under Sections 307, 323, 324, 427, 506, 511, 148 and 149 IPC, 1860 at Police Station Valtoha, District Tarn Taran. The petitioner is in custody since his arrest on 28.09.2022.

The FIR was registered on the basis of complaint given by Ravinder Singh and the allegations as noticed by the Addl. Sessions Judge, Tarn Taran in the order dated 26.10.2022 are as under:

“Present case FIR has been registered on the basis of statement made by complainant/injured Ravinder Singh who stated that he is an agriculturist. He has one brother namely Gurlal Singh and they both are married. They both brothers have land measuring 10 Killa and jointly they cultivate it. They had taken agricultural land measuring 2 Kanal 18 Marla from Baljinder Singh about three years ago. Later they agreed to purchase it but the date to get the sale deed executed and registered was long and Baljinder fraudulently sold this land to Kartar Singh son of Gurmukh Singh without informing them. At the time of agreement to sell Baljinder Singh had handed over to them possession of this land and they had sown fodder

in it. On 26.04.2022, after cleansing his harvest combine inside the house, he went outside the house. At about 5 P.M., he saw that in their crop Bhagwan Singh armed with Axe, Kartar Singh armed with Barsha, Mehtab Singh armed with Kirpan, Satnam Singh armed with Datar and Baljinder Singh empty handed were standing there and they were destroying their crop. He called his brother Gurlal and his brother and mother also came outside in the crop fields. Baljinder Singh raised lalkara to teach them a lesson for filing case against him in the court and asked that today he will hand over the possession of land to Kartar Singh and for this reason he has let out animals in the crop. Then Bhagwan Singh with and intention to kill him gave a direct blow of Axe on his head and the blow hit on the left side of his head and he fell down in the crop. Then Kartar Singh gave Barsha blow to him while he was lying on the ground which hit on the left side of his chest. Satnam Singh also gave Datar blow from its blunt side which hit him on his waist. When his brother Gurlal Singh and mother came forward to his rescue then accused inflicted injuries on their persons as well and they both fell down in the crop. They gave merciless beatings to his old aged mother and gave kicks to her. When they raised alarm then fellow villagers started gathering there and seeing the large gathering, all accused fled away while giving threats to kill them.”

Learned counsel for the petitioner submits that in the alleged occurrence, the victim suffered three injuries and the injury No.1 suffered on the head attributed to co-accused Bhagwan Singh was declared as dangerous to life. She has further pointed out that the said co-accused has already been extended the concession of pre arrest bail and the petitioner has been attributed injury No.2, which is on the chest of the injured. Learned counsel submits that the investigation of the case is complete, as the final report was filed on 26.12.2022. She prays for bail.

Learned State counsel assisted by ASI Baldev Singh as well as learned counsel for the complainant while opposing the prayer does not dispute the fact that the co-accused Bhagwan Singh has been released on anticipatory bail. He, on instructions states that the charges in this case are yet to be framed.

After hearing the learned counsel for the parties and

considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose, as the trial is yet to commence and its conclusion would consume considerable time.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, concerned.

The petition is allowed.

06.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No