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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52480-2022 (O & M)
Date of decision: 09.11.2023

Gurdeep Singh and anr.

.... Petitioners

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dinesh Trehan, Advocate,
for the petitioners.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Mohd. Yousaf, Advocate,
for Mr. U.K. Kanwar, Advocate, for the complainant.

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 petitioners in case FIR No.194 dated 05.10.2022 under Sections 307, 324, 323, 148, 149 and 506 IPC registered at Police Station Sadar, Jagraon.

2. The present FIR came to be registered at the instance of Hardev Singh son of Balour Singh who stated that they were two sisters and two brothers. His younger brother-Santokh Singh was a carpenter at Jagraon. Amritpal Singh son of Jethu Singh was also working at Jagraon. On 26.09.2022, they both were returning to their village and while coming down from the bus, had an altercation with each other. Jethu singh made a complaint to his (complainant's) father Balour Singh and both the parties were called to the house of the Sarpanch. At that time, Jethu Singh son of

Singh, all sons of Jethu Singh, Dharmpal Singh son of Naib Singh and Sukhwinder Singh @ Gullu @ Golu (petitioner No.2) were also present. While compromise talks were going on, Jethu Singh raised a *lalkara* that they (complainant party) be taught a lesson. Jethu Singh gave a fist blow on his (complainant's) left eyebrow. In the meantime, Gurdeep Singh, Hardeep Singh, Amritpal Singh, Dharampal Singh and Sukhwinder Singh @ Gollu @ Golu caught hold of his (complainant's) brother/Santokh Singh from his collar and then Sukhwinder Singh @ Gollu @ Golu gave a *kirpan* blow to his brother-Santokh Singh which struck his stomach (*dhuni*). Hardeep Singh gave a fist blows to them (complainant party). Thereafter, Gurdeep Singh gave three blows of a *kirch* like weapon on his (complainant's) right thigh and beating were also given to his family. Thereafter, the Sarpanch Jagjeet Singh freed both the parties. While going to their respective houses, when he (complainant) reached near the mosque then all the accused came there and Dharampal Singh picked up brick bats and started pelting them toward him (complainant) which struck his hands. Thereafter, Amritpal Singh gave him (complainant) a fist blow and the *kara* struck the nail of his right hand thumb. Thereafter, they were all taken to the hospital.

3. The learned counsel for the petitioners contend that the allegations against the petitioners are false and fabricated. The injuries were self- suffered. There is a CCTV footage of the house of the Sarpanch which shows that the brother of the complainant, namely, Santokh Singh was moving in the court-yard of the house of the Sarpanch and did not have any blood on his person. The occurrence took place on 29.09.2022 but the FIR came to be registered only on 05.10.2022 i.e. after a delay of 06 days. As the petitioners were first-time offenders, in custody since 13.10.2022 and

none of 18 prosecution witnesses had been examined so far, they were entitled to the concession of bail.

4. The learned counsel for the State alongwith the learned counsel for the complainant contend that the petitioners were the main accused. They had brutally assaulted the injured. Recoveries of weapons had also been effected from them. Therefore, they were not entitled to the concession of bail as there was every likelihood that they would abscond in case they were granted the said concession. However, they concede that the petitioners are first-time offenders, in custody since 13.10.2022 and none of the 18 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 petitioners and their co-accused shall be adjudicated upon during the course of trial. The injured-Santokh Singh was discharged from the hospital on 18.10.2022 itself and following his daily pursuits. The petitioners are stated to be first-time offender, in custody since 13.10.2022 and none of the 18 prosecution witnesses had been examined so far. Therefore, the trial in the instant case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioners is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioners, namely, Gurdeep Singh and Sukhwinder Singh @ Golu are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioners shall appear on the first Monday of every month before the local police station till the conclusion of the trial and

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furnish an affidavit each time that they are not involved in any other case/crime other than the present one.

9. If any attempt whatsoever is made by the petitioners and/or their family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

10. In case any attempt is made on the part of the petitioners/co-accused to delay the trial, the prosecution shall be at liberty to move an application for cancellation of bail granted vide this order.

11. The petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each 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 petitioners from Trial without sufficient cause.

(JASJIT SINGH BEDI)
JUDGE

November 09, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No