

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

CRM-M-56837-2022

Date of Decision:-10.05.2023

Baljinder Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. Harmanjit Singh Thiara, Advocate for the Petitioner.

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

Mr. Amandeep Chhabra, Advocate for the complainant.

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.120 dated 05.08.2021 under Sections 302, 341 and 34 IPC registered at Police Station Sadar Gidderbaha, District Sri Muktsar Sahib.

2. The brief facts of the case are that one Iqbal Singh got registered the present FIR with the allegations that on 4.8.2021 his son Akashdeep Singh deceased had gone to Gidderbaha to give a party to his friends Ravinder Singh @ Sunny and Robinpreet Singh. At about 8.00 pm in the evening, he (complainant) had been told by Baljinder Singh (petitioner) that Harpreet Singh @ Happy and Akashdeep Singh deceased had quarrelled with each other and Harpreet Singh @ Happy had come back to the village with him (petitioner) to pick up a sword with which he would attack the deceased and he (Baljinder Singh) would try and stop the fight.

On this he (complainant) along with nephew Harvinder Singh @ Jindu proceeded towards Gidderbaha where they saw Akashdeep Fauji along with Ravinder Singh @ Sunny and Robinpreet Singh coming on a motor cycle. At that time Akashdeep Fauji was not wearing a shirt. Harpreet Singh @ Happy started an altercation with Akashdeep Singh and gave a sword blow in the stomach of Akashdeep Singh @ Happy. He (Harpreet Singh @ Happy) thereafter fled away. Akashdeep Singh was taken to a hospital at Bathinda where he passed away. Strict action was sought against Harpreet Singh @ Happy.

Thereafter a supplementary statement of the complainant was recorded to the effect that the petitioner had caught hold of the arms of the deceased and it was co-accused Harpreet Singh who had given sword blow to the deceased.

3. The Counsel for the petitioner contends that he has been falsely implicated in the present case on the basis of the supplementary statement of the complainant. In fact as per the FIR it was the petitioner who had informed the complainant that the deceased had a fight with Harpreet Singh @ Happy because of which Harpreet Singh @ Happy would attack the deceased and he (Baljinder Singh)-petitioner would try and stop the fight. He contends that the petitioner was the person who had attempted to pacify both the sides. As the petitioner was in custody since 7.8.2021, only 06 out of 25 witnesses had been examined and the petitioner was a first time offender, he was entitled to the grant of bail.

4. The Counsel for the State on the other hand contends that the petitioner is one of the main accused. The nature of the allegations levelled against the petitioner and his co-accused did not entitle the petitioner to the grant of bail. He however admits the fact that the petitioner is in custody

since 7.8.2021 and only 06 out of 25 prosecution witnesses have been examined so far and the petitioner is a first time offender.

5. The Counsel for the complainant has reiterated the arguments advanced on behalf of the State and opposed the grant of bail in view of the seriousness of the allegations levelled against the petitioner.

6. I have heard counsel for the parties at length.

7. The veracity of the prosecution case shall be established during the course of the Trial. The petitioner is in custody since 7.8.2021. Only 06 out of 25 prosecution witnesses have been examined so far and thereafter the Trial of the present case is not likely to be concluded anytime soon. The petitioner is also a first time offender with no criminal antecedents. Thus, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present application is allowed and the petitioner-**Baljinder Singh** son of Sh. Dilbagh 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.

9. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 10, 2023
Vinay

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