

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

CRM-M No.355 of 2024 (O&M)

Date of decision : 12.01.2024

Jagir Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. G.S.Bawa, Advocate
for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 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.315 dated 12.10.2020 registered under Sections 307/325/452/148/149 at Police Station Ajnala, District Amritsar Rural.

2 As per the contents of the FIR, it has been alleged as under :-

“On 08-09-2020 around 01:30 PM, we were having meal at our home which is outside village Saidon Gaji where Balwinder Singh son of Arjan Singh armed with spear (Barcha), Balraj Singh @ Baaj son of Balwinder Singh armed with Datar, Gurlal Singh @ Lal son of Balwinder Singh armed with Datar and along with them Jagir Singh son of Darsan Singh, Ranjit Singh, Tarsem Singh, Malkit Singh, Gurjant Singh sons of Jagir Singh resident of Jafarkot and 10-15 other unknown persons armed with weapons came and attacked my family. At that time, Balwinder Singh gave a blow of Barsha which hit on the right side of my stomach, Balraj Singh @ Baazgave datar blow which hit on my right hand,

Gurlal Singh @ Lal gave datar blow which hit below the elbow of my left arm, Ranjit Singh gave dang blow on my right leg. Thereafter, accused persons ran away from the spot. Then my son Manjit Singh arranged a vehicle for me and admitted me to Civil Hospital Ajnala. As my condition was serious, doctor referred me to Guru Nanak Dev Hospital, Amritsar where I am under treatment. The reason behind the grudge is that had sold my 5 1/2 killa land to Balwinder Singh for Rs 3,85,000 per killa out of which Balwinder Singh had only given me Rs 2,00,000 rupees for the said 5 1/2 kila and when I demanded my money then they entered into my house and gave me injuries. Statement is written, heard and the same is correct, Action should be taken.”

3 Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 1 month and 18 days.

4 Learned counsel for the petitioner submits that apart from the bald allegation that the petitioner along with 10-15 other unknown persons armed with weapons came and attacked the family of the complainant, there is no overt act attributed to the petitioner. The injuries suffered by the complainant have been specifically attributed to Balwinder Singh, Balraj Singh @ Baaz, Gurlal Singh @ Lal and Ranjit Singh. Petitioner is 76 years old man who is behind bars since 23.11.2023. He further submits that the issue at the heart of the controversy is dispute regarding the land.

5 Learned State counsel on instructions from ASI Angrej Singh is not in a position to dispute the aforementioned factual assertions based on record.

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

7 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and the nature of allegations against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say anything recorded herein shall not be construed as an expression of opinion on the merits of the case.

12.01.2024

Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No