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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-3253-2024 (O & M)
Date of decision: 29.01.2024

Dalbir Singh Petitioner
V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Navkiran Singh, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.175 dated 08.07.2022 under Sections 308, 325, 323, 506 and 34 IPC registered at Police Station jandiala, District Amritsar.

2. The present FIR came to be registered at the instance of Amarjit Singh son of Dalwinder Singh and reads as under:-

“Statement of Amarjit Singh son of Dalwinder Singh resident of village Dharar Police Station Jandiala aged about 48 years, M. 98145-94867, stated that I am resident of above given address and am agriculturist by profession and am also running tyre shop at bus stop Dharar. We have partitioned our land with mutual consent of our brother Karnail Singh and nephew Sukhraj Singh. We have joint motor (tubewell) with Jarnail Singh. Sukhraj Singh has sold 1/3 share of joint motor to me. In this motor, I have two shares and one share is of Jarnail Singh. On 20/06/2022 I and my father went to the joint motor for watering of our share then, on motor Sukhraj Singh son of Karnail Singh, Dalbir Singh and Kulbir Singh sons of Jarnail Singh resident of Dharar were already present; who tried to stop us from watering and when we asked them the reasons then they scuffled with us. They started beating me and my father and Kulbir Singh raised Lalkara that today, the matter of daily

watering should be finished and on this Dalbir Singh took out spade from inside and while coming, he attacked me on my head with spade with intention to kill me and the spade hit me from the back-side on the right side of my head, then Sukhraj Singh gave me baseball blow which hit me on the back side of my head, then Kulbir Singh attacked me with dattar which hit me on the right side of my head then Sukhraj Singh attacked me with baseball which hit me above my right eye. My father came forward to rescue me then Kulbir Singh attacked my father with dattar which hit on his right thumb, then Sukhraj Singh attacked my father with baseball which hit him on the index finger of his left hand. I became unconscious due to injuries and my son got me and my father admitted in Civil Hospital Manawala where Doctor prepared our MLRs and discharged my father. I was referred to Guru Nanak Hospital due to my serious condition and thereafter I was referred to PGI by the Doctor due to my serious condition and I remained admitted there from 22/06/2022 to 25/06/2022 and thereafter is under treatment in Manawala Hospital. The fight took place at 07:30 pm. I have recorded my statement to you and same is heard, action be taken. That till today the talks of compromise were going on but the same could not be materialized. sd/-Amarjit Singh verified. Sd- Davinder A Singh, SI PS Jandiala dated 08/07/2022”.

3. The learned counsel for the petitioner contends that it is a case of version and cross-version. Sukhraj Singh from the side of the petitioner had also received injuries and a cross-version stands registered vide DDR No.38 dated 10.07.2022 though, the cross-version ought to have been registered earlier as the main case. Taking the allegations to be correct, only a grievous injury had been attributed to the petitioner. The co-accused of the petitioner, namely, Sukhraj Singh and Kulbir Singh had been granted the

concession of anticipatory bail vide order dated 23.11.2023 passed by the

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Additional Sessions Judge, Amritsar. As the petitioner was in custody since 14.11.2023 and had clean antecedents, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the petitioner is the main accused. Therefore, the nature of the allegations levelled against him, he was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 14.11.2023 and that it is a case of version and cross-version.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against petitioner and his co-accused shall be adjudicated upon during the course of the trial. Admittedly, he is in custody since 14.11.2023 and he is a first-time offender with clean antecedents. Further, it is a case of version and cross-version. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Dalbir 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.

8. If any attempt whatsoever is made by the petitioner and/or his 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.

9. The petition stands disposed of.

January 29, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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