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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-5865-2024
Date of decision : 08.02.2024

Sharanjit Singh @ Lakha Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Iqbal Singh Mann, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.46 dated 27.05.2021 registered for offences punishable under Sections 323, 324, 427, 148 and 149 of IPC and Sections 25 and 27 of Arms Act (Offences punishable under Sections 302, 326, 325 of IPC and Sections 25 and 27 of Arms Act added later on) at Police Station Sadar Rampura, District Bathinda.
2. The FIR came into being on the statement made by Harvinder Singh alias Coach son of Dev Singh, the deceased, wherein it has been alleged as under :-

“Stated that I am a resident of the abovesaid address and besides doing agriculture work, I am also a basketball player. A few days ago, Gagna Singh and Babbu Singh son of Gola Singh resident Chauka had picked up a cock from the house of my uncle Makhan Singh son of Kartar Singh, regarding

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which, my uncle lodged a protest in the said Gela Singh's house, due to which Babbu Singh and Gagana Singh were having jealousy in their mind. I used to help my uncle Makhan Singh, that's why yesterday on 26.5.2021, I had a quarrel/fight with my friend Gagana Singh and Babbu, who had threatened me that we will see you. It will be around 6/7 o'clock in the evening that I alongwith friends Satpal Singh s/o Binder Singh, Jaswinder Singh Jassa s/o Bant Singh, Hardeep Singh Deepi s/o Teja Singh, Satpal Singh Kala s/o Naib Singh residents Chauke were talking with each other while sitting on a motor (tubewell) of my friend Buta Singh s/o Balwinder Singh resident of Chauke on Pitho Road, then Gurjeet Singh s/o Binder Singh armed with Gandasa, Babbu Singh s/o Gola Singh armed with dang (stick), Gagana Singh s/o Gela Singh armed with Kirpan (sword), Seepu Singh s/o Bindar Singh armed with baseball and Keepa Singh s/o Darshan Singh armed Pistol residents Chauke came to the field and started challenging us, then Buta Singh and Satnam Singh got scared and ran away from the spot and abovesaid persons soon after coming started beating us. Keepa Singh pointed the pistol in his hand towards me and Gurjit Singh hit his armed gandasa below the knee joint of my right leg and I fell down and while I was lying down Seepu Singh gave his armed baseball blow on the Shakdang (leg portion) of my left leg, Babbu Singh hit dang blow on my left hand, and then Gurjit Singh hit reversed gandasa blow on my left shoulder. When Jaswinder Singh, Hardeep Singh and Satpal Singh came forward in order to rescue me then Gurjeet Singh hit kirpan blow on the left hand of Satpal Singh and

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reverse gandas blow on the right leg hand of Satpal Singh, Seepu Singh hit baseball on the left knee and then Gurjeet Singh hit his armed gandas blow on the above portion of left leg's ankle of Satpal. Then, the abovesaid assailants also caused injuries with the respective weapons on the left arm, left knee, backside of head, left arm and right hand of Hardeep Singh, and the abovesaid persons also inflicted injuries i.e. Gurjeet Singh gave his armed gandas blow on the left arm, Babbu hit dang on the head and Seepu hit baseball at the backside of head and Babbu Singh gave his armed dang blow to the abovesaid Jaswinder Singh Jassa. Then said Buta Singh and Satnam Singh raised hue and cry while standing at far of place and we also raised noise of Marta Marta (Killed killed). There were also 15/20 more unknown persons behind them, who on raising raula by us, all the persons alongwith their respective weapons ran away from the spot and while going they also damaged my motorcycle without number brand CT 100 and Satpal Singh's motorcycle CT 100 and Jaswinder Singh Jassa's Splendor motorcycle of silver colour and field owner Buta Singh's motorcycle CD Dawn Number 9751 were damaged by them by hitting them with the dangs. Then we all were got admitted by our relatives by arranging for the vehicle to Civil Hospital, Rampura, where we are under treatment. The reason is that I had little quarrel and heated exchange of words with Babbu, Gagna sons of Gela Singh residents of Chauke on the issue of Cock during day time., due to this very reason the said persons have inflicted injuries to us. We are claimant, action be taken. Statement has been got recorded, heard and it is correct. xxxx”

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3. As per custody certificated produced by learned State counsel, the petitioner is behind bars for more than 02 years, 07 months and 24 days has no criminal antecedents.

4. Challan already stands presented and out of 59 cited witnesses, 7 stand examined. Thus, there can't be any such apprehension that the petitioners shall tamper with the evidence.

5. Apart from that, it has been contended on merits that petitioner has not been attributed any injury/overt act by the deceased on whose statement the FIR was registered. The only allegation is that the petitioner was among 15/20 unknown persons.

6. State Counsel submits petitioner is a habitual offender does not deserve grant of bail and keeping in view the seriousness of the allegations levelled in the FIR, the present bail plea deserve to be dismissed.

7. Having heard counsels for the parties and after carefully going through records of the case, without further commenting on the merits thereof and apart from the fact that from the perusal of the statement of the deceased, it is evident that the deceased was specific in attributing each of the injury on his person on part of the accomplices and he has not attributed any injury to the petitioner in the present petition.

8. In view of above, keeping in view the incarceration already suffered by the petitioner and the act alleged against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

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9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.02.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No