

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

CRM-M-6687-2024

Date of Decision:-25.04.2024

Gurlal Singh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Rakesh Nagpal, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.241 dated 01.09.2023 under Sections 148, 149, 323, 324 and 506 IPC registered at Police Station Sadar Rattia, District Fatehabad.

2. The present FIR came to be registered at the instance of Laxman Singh which reads as under:-

“ Statement of Laxman Singh son of Nihal Singh, son of Bahadur Singh, Resident of Lamba Dhani, aged 58 years, has stated that I am a resident of the above address and work as a farmer. On 20.08.2023, at around 9.00 pm, I Bhajan Singh son of Tehla Singh, Iqbal Singh son of Buta Singh and Jashan Singh son of Bhajan Singh were standing in front of the house of Iqbal Singh on the same day riding on two motor cycles and a Bolero

vehicle, Lakhbir Singh alias Kheeru, Jagjit Singh alias Kala son of Gurlal Singh resident of Tibba Dhani Lamba, Gurlal Singh, Buta Singh son of Niranjan Singh, Sandeep Singh @ Sipa son of Balbant Singh, Gursevak Singh son of Kala Singh, Lakha Singh son of Tarsem Singh, Balwant Singh son of Mahender Singh, Naini Khan son of Binder Khan, Batla Singh son of Bhola Singh, Mani Singh son of Jagtar Singh residents of Karandi and 10-15 other men came with the intention of fighting, having iron rods, swords, sharp weapons and sticks in their hands. As soon as they came all of them suddenly attacked upon all four of us, and Buta Singh gave iron rod blow on right arm and Gurlal Singh hit Bhajan with the sword having in his hand and he raised his hand which hit on fingers of his right hand. Then Kuldeep Singh gave sword blow to Iqbal on his hand. Then Gursevak Singh gave rod blow on the back of me and thereafter Lakha Singh gave rod blow on left side of my waist and Balwant Singh gave rod blow on his left hand. Sandeep @ Sipa gave injury on neck of Jashan Singh with the stick and Jagjit Singh Kala gave rod blow on the hand of Jashan Singh Thereafter Soni Khan son of Pala Khan gave rod blow the shoulder of Bhajan Singh and then in self defense we also hit them. Then hearing the noise of the fight people from the village and the and neighborhood gathered and my son Sandeep Singh called the police on number 112. As soon as they saw the police on the spot, all the accused ran away with their weapons and while leaving they said that the police has come today and if we meet them again, we will kill you Strict legal action will be taken against the above said accused persons who has caused us injuries. The main reason for this rivalry is that we had a fight

with him (Gurlal Singh Baigra) many days ago in which Panchayat has decided the matter Because of that rivalry they have caused us injuries, due to being neigh borers, I did not record my statement so that it may be settled in Panchayat. But the above said accused persons are still threatens us. Now I have given you my statement in writing, read it, heard it, understood it and the same is correct Sd/- Lachhman Singh."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact it is a case of version and cross version. FIR No.246 dated 04.09.2023 under Sections 148, 149, 323, 341, 427, 506 IPC stands registered at the instance of Boota Singh from the side of the petitioner. The allegations of the petitioner having caused a grievous injury on the persons of Bhajan Singh is incorrect. Section 326 IPC has been wrongly invoked to aggravate the offence in connivance with the investigating agency. In fact the occurrence had taken place on 20.08.2023 but the FIR came to be registered only on 1.09.2023. As the petitioner was a first time offender, in custody since 31.10.2023, and none of of 17 Pws had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand has filed reply by way of an affidavit dated 20.04.2024 of Mr. Sanjay Kumar, HPS, Deputy Superintendent of Police, Ratia, District Fatehabad (Haryana) in the court today, which is taken on record. While referring to the said reply he contends that the petitioner is the main accused having inflicted grievous injury on Bhajan Singh. Therefore, he was not entitled to the concession of bail. He however, concedes that petitioner was a first time offender, in

custody since 31.10.2023 and that none of the 17 Pws had been examined so far.

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, it is a case of version and cross version and it is still to be decided as to which party was the aggressor side. The petitioner was stated to be in custody since 31.10.2023 but none of the 17 Pws have been examined so far, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.
9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gurlal Singh** son of Sh. Niranjana 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.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 25, 2024
Vinay

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