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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

231+233

Date of decision : 14.05.2024

1. CRM-M-23258-2024

Vanshpreet Singh @ Pablu Petitioner

versus

State of Punjab Respondent

2. CRR-605-2024

Hassan @ Hassanpreet Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioners.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. These two petitions have been filed under Section 439 Cr.P.C. Petition i.e. CRM-M-23258-2024 is for grant of regular bail to the petitioner in case bearing FIR No.216 dated 17.11.2023, registered for the offences punishable under Sections 452, 323, 324, 148 of 149 of IPC (Section 307 of IPC added later on) at Police Station Beas, District Amritsar. Petition i.e. CRR-605-2024 is for quashing of impugned order dated 27.02.2024 passed by the Ld. Additional Sessions Judge,

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Amritsar.

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

“Statement of Gurjit Singh @ Babba son of Sukhdev Singh resident of Rayya police station Beas Mobile no. 9056652156 aged about 40 years stated that I am the resident of above said address and we are two brothers and we work with our father in the drilling of Motors for bore wells. I take drugs oftenly and on 12.11.2013, I went to buy drugs from Nishan son of Pakhar resident of Dubgarh police station Beas and I gave him 300 rupees, and further Nisan told me that I will not give you lot less than 500 rupees and an argument took place between us on this point and during arguments, Nisan abused me regarding my sister and we indulged into a fight and Nishan had called his companions and I fled from the spot seeing other people coming and I went towards Nikka Rayya and my father called me from my house and told me that Pakhar and 7-8 persons including Pablu son of Goldy, Golu son of Bittu Boss, Husan son of Pakhar, Lalla son of Pakhar, Nishan son of Pakhar, Pakhar son of Maluk, John son of Tarsem, Vishal son of Goldy. Noor son of Golu armed with Dattar residents of Dubgarh Rayya, Vishal son of Tolu armed with Datar resident of Regar Colony Rayya came inside our house and my father told me that they were look for you and they had given leg blows to the gates of our house and had created dispute and my father said me to hide somewhere, otherwise

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they will kill you. My father said that we are also coming behind them and at that time Pakhar and Nishan were saying that wherever we find Babba, we will kill him. Today we will not leave him. After listening to the call of my father, I started rushing towards my house and when I reached near the Jatinder Medical Store near Railway Line at Nikka Rayya, then time would be around 10:30 AM and from the front side, Pablu son of Goldy, Golu son of Bittu Boss, Husan son of Pakhar, Lalla son of Pakhar, Nishan son of Pakahr, Pakhar son of Maluk, John son of Tarsem, Vishal son of Goldy, Noor son of Golu armed with Datar residents of Dubgarh Rayya, Visahl son of Tolu armed with Datar resident of Regar Colony Rayya Police Station Beas were seen coming on their motorcycle and 2-3 more unknown persons were accompanying them and they stopped their motorcycles after seeing me there and all the above said persons started rushing towards me and Nishan and Pakhar raised Lalkara and said catch Babba and teach him a lesson for messing with us and suddenly Pablu attacked with his armed Datar directly upon me, which hit me behind my neck and then Golu attacked with his armed Dattar directly upon me which hit me in my left hand and then Hasan attacked with his Datar directly upon me which hit me in my right knee and then Lalla attacked me with his armed Datar from its rear side which hit me in my right arm and shoulder and then Nishan attacked me with his armed Datar from its rear side which hit me in my right arm and then Pakhar had attacked me with his

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armed Datar from its rear side, which hit me in my right hand and I fell on the ground and while I was lying on the ground all the above said persons gave me leg blows and hit me with Datar from its rear side and Noor son of Golu gave me fist blows and I raised Alarm Mar Ditta Mar Ditta and please someone save me from these persons and listening to my hue and cry, people from nearby started gathering there and in the meanwhile, my father Sukhdev Singh son of Roorh Singh, my brother Amandeep Singh son of Sukhdev Singh and my wife Gagandeep Kaur and Jagroop Singh son of Kashmir Singh resident of Sudhar Rajputan who was going on the way and Amandeep Singh son of Nirmal Singh resident of Nashira Pannua reached at the spot who had seen the entire incident with their eyes and the accused persons fled from the spot along with their respective weapons on their motorcycles and my Sukhdev Singh and my mother Manjit Kaur got me admitted in the Civil Hospital Baba Bakala Sahib in injured condition where I am under treatment. Kindly legal action be taken against these accused persons. I have got recorded my statement, heard and is accepted as correct.xxx”

3. Counsel for the petitioners submits that it is not a case of assault but of brawl as both the parties have their own version and the version and cross version were recorded by the police. The only injury attributed to the petitioner-Vanshpreet Singh @ Pablu though on the neck is simple injury. Petitioners have clean antecedents. Petitioner-Vanshpreet Singh @ Pablu is behind bars for more than 04 months and

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13 days.

4. Petitioner-Hassan @ Hassanpreet Singh is stated to be juvenile. The only injury attributed to him is on the non-vital part i.e. right knee by giving datar blow. Challan already stands presented.
5. Counsel for the State is not in a position to dispute the aforesaid facts.
6. In view of above, the present petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
8. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

14.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No