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

CRM-M-13389-2024

Date of Decision: 17.07.2024

Avtar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.V.S. Chugh, Advocate, for the petitioner.

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

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.257 dated 17.10.2023, registered under Sections 307, 324, 323, 341, 506, 148, 149 IPC, at Police Station Model Town, District Hoshiarpur.

2. Adumbrated facts of the case are that the complaint was lodged by the complainant, namely, Jatinder Singh, wherein, it was alleged that on 14.10.2023, when he was coming on motorcycle, he was waylaid by accused Avtar Singh and others. Avtar Singh was armed with *Gandasa* and he gave blow of the same which hit his nose. It is further alleged that the complainant was taken to Hospital and there again he was waylaid by the accused persons and again he was given injuries. It was alleged that the cause of the dispute was that Harpreet Singh of the opposite party had performed marriage with Pooja i.e. daughter of the paternal aunt of the complainant. Request was made to take legal action against the accused. The petitioner was arrested on 18.10.2023 and thereafter he approached the Court of learned Additional Sessions Judge, Hoshiarpur, however, after hearing both the sides, the Court declined the prayer for the grant of regular



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bail vide order dated 16.02.2024. Hence, the petitioner has approached this Court by way of the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He submits that present case is a case of version and cross-version. He submits that once the case is of version and cross-version, it is a matter of trial to ascertain as to which party was the aggressor. He submits that even otherwise, the injuries alleged to be given by the petitioner, have been declared to be simple as per the MLR. He submits that the main accused is also on bail. He submits that the petitioner is behind bars since the date of his arrest i.e. 18.10.2023. He further submits that the petitioner has no criminal antecedents and thus, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that name of the petitioner was specifically mentioned in the FIR, who was armed with *Gandasa*. He submits that it is the petitioner, who was attributed injuries to the complainant. However, he submits that as per MLR, nature of the injuries has been declared to be simple. He submits that out of total 6 accused from the petitioner side, 3 accused are already on bail. It is submitted that challan is presented and the charges are yet to be framed. On instructions from ASI Balbir Singh, he has submitted that the petitioner is not involved in any other case except the present case.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that it is a case of version and cross-version. This

Court would refrain itself from commenting anything on merits regarding

any party bring aggressor, as the same falls within the domain of the trial Court. The petitioner is alleged to have given *Gandasa* blow on the complainant, however, as per MLR, the injuries have been found to be simple in nature. Co-accused and main accused are already on bail. The investigation is complete. There is nothing on record to show that the petitioner is involved in any other criminal case. However, considering the prayer for grant of bail to the petitioner, this Court is of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner.

7. The trial is likely to take sufficient long time in its conclusion, so the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

17.07.2024

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No