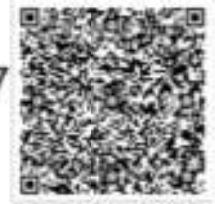


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**(222) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-14021-2024 (O & M)

Date of Decision: 04.10.2024

Gurwinder Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arshdeep Singh Kler, Advocate, for the petitioner.

Dr. Dharminder Singh Lamba, DAG, Punjab.

Mr. Harvinder Singh Maan, Advocate, for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.45 dated 10.04.2023 under Sections 307, 326, 323, 341, 506, 148, 149 IPC (Challan presented under Sections 326, 323, 341, 506, 34, 336 IPC, Sections 27/29/54/59 of the Arms Act) registered at Police Station Moonak, Distt. Sangrur.

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

“Copy of the statement: Statement of Gurbinder Singh son of Malkiat Singh son of Gurbaksh Singh resident of Shergarh @ Sihan Singhwala, Mobile No.94630-35842 aged around 30 years. Stated that I am resident of above mentioned address and do agriculture work. On 9.4.2023 at around 9 p.m. I along with Ramandeep Singh son of Gurjinder Singh (cousin uncle), Gurpreet Singh son of Jaswinder Singh, Kulwinder Singh son of



Bikkar Singh, Satpinder Singh son of Pritpal Singh and Palpinder Singh son of Jagraj Singh resident of Shergarh @ Sihan Singh Wala were roaming in the ground. In the meantime Tarasveer Singh son of Surinder Singh, Gurwinder Singh son of Harjinder Singh, Dharminder Singh son of Pargat Singh, Ajaib Singh son of Mohinder Singh, Gurcharan Singh son of Dilchain Singh, Gursangat Singh son of Baghera Singh, Bhajan Singh son of Mohinder Singh, Pargat Singh son of Jagar Singh, Kulwant Singh son of Ajaib Singh, Harjinder Singh son of Baldev Singh, Sukhwinder Kaur wife of Pargat Singh, Jaspal Kaur wife of Surinder Singh, Jasmail Kaur wife of Harjinder Singh resident of Shergarh @ Sihan Singh Wala were speaking loudly while coming towards us that the planning which they have made has to be executed, in the meantime Tarasveer Singh son of Surinder Singh fired shots in the air then Gurwinder Singh son of Harjinder Singh gave sword blow from the blunt side on my back, Dharaminder Singh was saying that sword blow be given on my neck, I managed to escape. Then Gurwinder Singh gave sword blow on the head of my cousin uncle Ramandeep Singh. However my uncle raised left arm with a view to save him. Then Gurwinder Singh gave sword on left wrist of my uncle and hurled abuses at us. In the meantime numbers of villagers assembled at the spot and intervened in the matter and saved us. Thereafter above mentioned persons fled away along with their weapons. Thereafter Gurpreet Singh son of Jaswinder Singh and Kulwinder Singh son of Bikkar Singh residents of Shergarh got me and my uncle namely Ramandeep Singh admitted in Govt. Hospital Moonak where doctors have given the first aid treatment to us and referred me to Govt. Hospital Sangrur whereas my uncle Ramandeep was referred to Rajindera Hospital Patiala on account of the severe injuries, as I was not suffering from simple injury. So I accompanied my uncle



Ramandeep to Patiala. We got admitted our uncle in Amar Hospital Patiala instead of Rajindra Hospital Patiala. The cause of enmity is that we have got demarcated the land pertaining to pond on 5.4.2023 and from that day onwards above mentioned persons were keeping grudge against us as excess land was found to be in the possession of Pargat Singh and others. As such because of the enmity above mentioned persons in connivance with each other gave blows to me and my uncle Ramandeep Singh, the treatment of my uncle Ramandeep Singh have been going on, today you have recorded my statement at the gate of Amar Hospital. Legal action be taken against above mentioned persons. Statement has been recorded, it has been read over and same is correct. Sd/ Gurbinder Singh”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is a case of version and cross-version and a rapat No.60 dated 26.04.2023 under Sections 323, 325, 341 and 34 IPC registered at Police Station Moonak had been registered against the present complainant party. Section 307 IPC had been deleted in the present case and the challan stood presented under Sections 326, 323, 341506, 34, 336 IPC, Sections 27/29/54/59 of the Arms Act. As per the opinion of the Board of Doctors of PGI, the movement in the left wrist joint of injured-Ramandeep Singh Dhaliwal was pain free and improving. As the petitioner was in custody since 15.12.2023 but none of the 42 prosecution witnesses 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 learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession as prayed for. He, however, concedes that it was a case of version and cross-version, that the petitioner was in custody since 15.12.2023 and that none of the 42 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant has vehemently opposed the bail application contending that the petitioner has caused the injury on the left wrist joint of Ramandeep Singh Dhaliwal-injured because of which the movement in the wrist joint had been restricted and thus, there had been permanent damage on account of the injury caused. He, however, concedes that it was a case of version and cross-version, that the petitioner was in custody since 15.12.2023 and that none of the 42 prosecution witnesses had been examined so far.

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

7. Admittedly, it is a case of version and cross-version. The petitioner is stated to be in custody since 15.12.2023 but none of the 42 prosecution witnesses have been examined so far.

8. This Court had ordered the constitution of a Medical Board to examine the present condition of the injured. The said Board found as under:-

Medical Board Report

Ref. No.EV(9)PGI-MS/MA-63/2024 dated 25.09.2024, in pursuance of the orders received from Sh. Jasjit Singh Bedi, Justice, Hon'ble Punjab and Haryana High Court, Chandigarh, a Medical Board consisting of the following doctors was hereby



constituted for medical examination in CRM-28614-2024 in/and CRM-M-14021-2024:

- 1. Prof. Sunil Gaba, Department of Plastic Surgery -Chairperson*
- 2. Dr. Manoj Goyal, Additional Professor, Department of Neurology - Member*
- 3. Dr. Himanshu Bhayana, Assistant Professor, Department of Orthopaedics-Co-opted Member*
- 4. Dr. Sumit Kumar Sangat, Senior Resident, Department of Hosp. Administration - Convener*

The meeting of the Medical Board was held on 28.09.2024 in the Committee Room, Medical Superintendent office at 12.00 p.m. As per the available clinical records and history given by the patient Mr. Ramandeep Singh Dhaliwal, the observations of the Medical Board is as follows

- 1. Active range of movement in the left wrist joint for dorsal flexion is (0-30 degrees) and for palmar flexion is (0-20 degrees).*
- 2. Presently movement at the wrist joint is without pain.*
- 3. Power of flexor tendons (flexor digitorum superficialis and flexor digitorum profundus) is improved to 4/5,*

Further the Medical Board is of the opinion that:

- Improvement in the active range of movement at the affected site is evident.*
- Patient is advised to visit nearby health care facility for regular follow-up.*

9. A perusal of the opinion of the Medical Board would show that the movement in the left wrist joint was pain free and improving.

10. In view of the facts and circumstances of the case and keeping in view the condition of the injured, the further incarceration of the petitioner is not required and therefore, without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurwinder Singh is ordered to

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be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 04, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No