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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-15819-2024
Date of decision : 05.04.2024

Navdeep Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. Shiva Khurmi, AAG, Punjab
with ASI Lakhwinder Singh.

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 bearing FIR No.0046, dated 27.05.2021, registered for the offences punishable under Sections 302, 326, 325, 324, 323, 427, 148 and 149 of IPC and Sections 25 and 27 of Arms Act at Police Station Rampura, District Bathinda.
2. The FIR came into being on the statement made by Harwinder Singh alias Coach son of Dev Singh, r/o Ali Patti Chaoke (since deceased), alleging as under:-

“I am resident of above said address. I do agriculture and I am also a player of Kabaddi. Some days ago, Gagana Singh and Babbu Singh sons of Gella Singh, residents of Village Chaoke took away chicken from the house of my uncle Makhan Singh son of Kartar Singh, due to which, my uncle Makhan Singh raised objection by visiting

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the house of Gela Singh but Babbu Singh and Gagna Singh were keeping grudge on the said matter. I used to help my uncle Makhan Singh. Due to said reason, yesterday on 25.05.2021, heated arguments took place between me and Gagna Singh, Babbu, who threatened me that they will see me. Then at about 6/7 pm, I alongwith my 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 of Village Chaoke were talking to each other while sitting at the motor of my friend Buta Singh s/o Balwinder Singh, r/o Village Chaoke situated on Pitho Road then at that time, Gurjeet Singh s/o Binder Singh armed with Gandasa, Babbu Singh s/o Gela Singh armed with Dang, Gagana Singh s/o Gela Singh armed with Kipan, Seepu Singh s/o Binder Singh armed with Baseball and Keepa Singh s/o Darshan Singh armed with pistol, residents of Village Chaoke came up in fields and started raising lalkaras. Buta Singh and Satnam Singh due to fear, fled away from the spot. Above said persons on coming started causing me beatings. Keepa Singh holding a pistol in his hand. pointed towards me, Gurjeet Singh carrying Gandasa hit on the lower side of knee of my right leg. I fell down. While I was lying down, Seepu Singh gave Baseball blow on calf muscle of my left leg, Babbu Singh gave Dang blow on my left hand. Then Gurjeet Singh gave reverse Gandasa blow on

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my left shoulder. Then Jaswinder Singh, Hardeep Singh and Satpal Singh came forward for my rescue but Gurjeet Singh hit blow of Kirpan on left hand of Satpal Singh and hit reverse Gandasa blow on right leg. Seepu Singh gave Baseball blow on left knee. Then Gurjeet Singh gave Gandasa blow on the ankle of left leg of Satpal Singh. Then they also caused injuries on left arm, right knee, near head, left arm and right hand of Hardeep Singh with their respective weapons. Gurdeep Singh gave Gandasa blow, Babbu gave Dang blow near head, Seepu gave Baseball blow and Babbu Singh gave Dang blow on Jaswinder Singh @ Jassa. Then Buta Singh and Satnam Singh raised alarm by standing at some distance and we also raised alarm 'Marta Marta'. Said persons were also followed by 15/20 unknown persons, who also raised lalkaras. But on raising alarm by us, all said persons fled away from the spot with their respective weapons. While fleeing from the spot, they caused damage to our motorcycles parked there by giving Dang blows, whereby they caused damage to my motorcyle without number CT 100, Satpal Singh's motorcycle CT 100, Jaswinder Singh @ Jassa's Splendor motorcycle colour silver and farm owner Buta Singh's motorcycle CD DOWN No.9751. Then our relatives by arranging vehicle got all of us admitted at Civil Hospital, Rampura, where we are under treatment. Grudge behind the occurrence is

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that arguments took place between me, Babbu, Gagna sons of Gela Singh, residents of Village Chaoke on the issue of chicken. Due to said grudge, above said persons caused us injuries. Kindly initiate proceeding against them. Statement got recorded, heard it and the same is correct. Sd/- Harwinder Singh.”xxxxx

3. Custody Certificate of the petitioner has been produced today in Court, which are taken on record. As per the same, the petitioner has undergone custody of more than 02 years and 10 months.

4. Counsel for the petitioner submits that co-accused have been already been granted bail by this Court vide order dated 15.01.2024 passed by this Court in *CRM-M-41066-2022*. 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 and other co-accused were among 15/20 unknown persons.

5. Counsel for the State does not dispute the aforesaid factual position.

6. 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 of the injuries to the petitioner in the present petition.

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7. Granting him parity and 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.

8. 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

05.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No