



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

103+204

**CRM M-15446 of 2024 (O&M)
Date of Decision: 09.07.2024**

Hardev Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. K.B.S. Mann, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has moved the present petition under Section 439 Cr.P.C. with a prayer to grant the concession of regular bail to him in case FIR No. 47 dated 20.05.2022 under Sections 302, 460, 323, 506, 148 and 149 IPC (Section 325 IPC added later on) registered at Police Station S.G.N. Dev Thermal, District Bathinda.

2. The FIR in the present case was registered on the basis of the statement made by Kulwinder Singh @ Bhinda that on 19/20.05.2022 at about 12.00/12.30, he (complainant) heard the noise 'Marta-marta' and 'na-marro na-marro' and on this he came out of room and saw that Kuldeep Singh armed with *Kirpan*, Jiwan Singh armed with *Dang*, Parkash Singh alias Tindo armed with iron rod, Kashmir Singh alias Nikka armed with spade, Nikka alongwith his father Raju and 6-7 other unknown persons, who were armed with rods, *Kirpans*

and *Soties* were causing injuries to his brother and also started threatening him with dire consequences. Thereafter, the accused persons ran away from the spot alongwith their respective weapons. His brother succumbed to the injuries at about 4.30 a.m. Motive behind this occurrence is that about 1.1/2 years back, the aforesaid Kuldeep Singh, Manjinder Singh alias Madhi and Kashmir Singh (@ Nikka had a quarrel with his brother regarding the labour work.

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR in the present case and no role was assigned to him. He further contends that the petitioner was nominated as an accused on the basis of the statement made by injured Satnam Singh @ Sattu on 25.05.2022, i.e., after 5 days of the occurrence and even as per the said statement, the petitioner had not caused any injury to Rajwinder Kumar @ Raju (since deceased), brother of the complainant. Learned counsel referred to the statement (Annexure R-1/T) made by Satnam Singh @ Sattu Singh subsequently and submitted that even as per the said statement, the petitioner had caused an injury with a stick on the left leg of Satnam Singh. Learned counsel also referred to the MLR of Satnam Singh (Annexure P-9) and the medical opinion (Annexure P-10) to contend that the injury, which is attributed to the present petitioner has been declared to be simple in nature. Learned counsel further contends that in the present case, only 07 witnesses out of total 37 witnesses have been examined so far and the testimony of Satnam Singh had already

been recorded before the trial Court. Consequently, there are no chances of tampering with the prosecution evidence. Learned counsel further contends that the petitioner is in custody since 02.02.2023 and deserves to be enlarged on bail.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner has actively participated in the commission of the crime. He further contends that Satnam Singh has appeared as PW2 and stated that all the accused had inflicted injuries to the complainant and his brother Rajwinder Kumar @ Raju. However, no specific injury was caused by the petitioner to Rajwinder Kumar @ Raju, since deceased.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested in the present case on 02.02.2023 and is in custody since last more than 01 year and 05 months. Out of 37 witnesses, only 07 witnesses have been examined so far and the conclusion of the trial may take quite a long time. Even as per the statement made by Satnam Singh @ Sattu, the petitioner had allegedly caused an injury with a stick on the left leg of the said witness and the injury attributed to the present petitioner has been declared to be simple in nature.

7. In view of the above discussion, without commenting any further on the merits, the present petition is allowed and the

petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

09.07.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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