

2024:PHHC:056528

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-17839-2024
Date of decision : 25.04.2024

Gurwinder Singh @ Karlo Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Arshpreet Khadial, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

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.345 dated 08.11.2023, registered for the offences punishable under Sections 307, 326, 325, 324, 323, 506, 148 and 149 of IPC, at Police Station Sadar Mansa, District Mansa.

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

“Copy of the statement, “Statement of Narvinder Singh son of Darshan Singh son of Saun Singh resident of Bhaini Bagha aged about 23 years Mobile No.62396-76665, stated that I am resident of the abovesaid address and I do the labour work. Today, it would be around 06.00 PM that I was alongwith my friend Navjot Singh son of Moti Singh son of Budh Singh resident of Bhaini Bagha, were going to our village itself for some domestic work and when I we reached near the house of

2024:PHHC:056528

Joginder Singh Kotliwala just ahead the society of our village then from the front side Khushi Singh son of Mithu Singh son of Bola Singh resident of Bhaini Bagha came while riding on his tractor Sonalika, who, with the intention to kill us he made the tractor straight towards us, we ran and stand with the wall, and the front tyre of the tractor ran over my right leg, hit the wall and stopped. Khushi Singh's brother Tinu Singh son of Mithu Singh son of Kaur Singh came on his motorcycle, followed by Gosa and Carlo residents of Bhaidesa and Sagni, whose village I don't know, all the four came, who were having rods and Gandasas, and abovesaid Khushi Singh also got down from the tractor and took out the gandasa from the tractor and while raising lalkara he said how they harass us by standing with Ladoo Singh. In the meanwhile, Khosa Singh gave his armed gandasa blow straight at Navjot Singh's head with intention to kill. Then Khushi Singh also gave his armed gandasa blow to Navjot Singh's head with intention to kill. Meanwhile Jinda Singh resident of Nangal Kalan alongwith 15/20 unknown persons came riding on two cars and motorcycles, Seepa Singh and Wajira Singh son of not known of our village were also with them. All these persons were armed with baseball, rods and sotis (sticks). Then Jinda Singh resident of Nangal Kala, while raising lalkara said, "Now make these people unable to stand on their ownfeet throughout their lives. Then all these persons gave numberless blow on our body and other organs and dragged us on the road by holding our legs, due driving tractor over my legs and dragging us by the abovesaid persons and hitting

2024:PHHC:056528

the rods on my right legs my leg was badly broken, and the abovesaid persons threatened us that if you dared to support the Ladoo in future, then they would kill us. The cause of animosity is that the abovesaid persons have doubt that we help Ladoo Singh resident of Bhaini Bagha. Due to which the abovesaid persons in connivance with each others have inflicted injuries to me and my friend Navjot Singh with intention to kill. Statement has been recorded to you, heard and it is correct.xxxx”

3. The allegation against the petitioner is of having given iron rod blow on the right leg of the victim which has been opined to be grievous in nature.

4. Counsel for the petitioner submits that petitioner is behind bars for more than 04 months and 18 days by now. Challan stands presented and the main accused namely Khushwinder Singh stands admitted to regular bail vide order dated 21.03.2024 placed on record as Annexure P-4.

5. *Per contra*, Mr. Kapoor submits that there are serious allegation against the petitioner. The petitioner alongwith his co-accused tried to move down the petitioner and thereafter gave him severe beatings.

6. Counsel for the petitioner joins issue thereon and submits that so far as the allegation of moving down the petitioner is concerned, the same is against Khushwinder Singh.

7. Without further commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that the challan stands presented and main accused Khuhwinder Singh

2024:PHHC:056528

stands admitted to bail, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

25.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No