



CRM-M-22921-2024

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**215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-22921-2024
Decided on : 28.08.2024

Gurtej Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. G.M.Umair, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Mayank Vashishth, Advocate with
Mr. Abhay Superam, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.137 dated 12.07.2023 under Sections 307, 323, 325 and 34 IPC registered at Police Station Lehra District Sangrur.

2. Learned counsel for the petitioner has reiterated that the only role attributed to the petitioner in the FIR in question, which has been annexed as Annexure P-1, is of inflicting blows with a stick on the head of injured Resham Singh, and other than this, no other role has been attributed to him. It has been further submitted that after the petitioner was arrested on 27.09.2023, all the four material



witnesses including the injured Resham Singh had been examined and hence, there can be no apprehension of the petitioner tampering with evidence or influencing the witnesses. It has also been submitted that further incarceration of the petitioner would serve no useful purpose, more so, when 14 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer made by learned counsel for the petitioner, on instructions, has drawn the attention of this Court to the allegations levelled in the FIR in question, which stand reproduced herein under:

*"Statement of Chamkaur Singh son of Mithu Singh resident of Lehal Kalan P.S. Lehra aged about 28 years, Stated that I am resident of above mentioned address. I am an agriculturist. I am only brother. I am having one sister and she is already married. I am unmarried. My uncle (Chacha) Balam Singh has two sons. The elder son Jasvir Singh is working in Army and the younger son Resham Singh is unmarried. I and my son Resham Singh help each other in agriculture work. Today myself and Resham Singh after working in the fields of Resham Singh and we were standing in the passage, then at about 7:00 A.M. Gurmail Singh @ Babli, **Gurtej Singh** son of Desa Singh and Desa Singh son of Gurdial Singh resident of Lehal Kalan, and they were neighbours to the fields of Resham Singh and they told us that don't go from this passage. Then we told them that this*



passage is government property. We will go from this passage. Then they came in anger. Then above mentioned persons went to the room near motor to bring weapons. From them Gurmail Singh has stick (Daang) in his hand, **Gurtej Singh** is having stick (Daang) and Desa Singh is carrying Gandasa. They came from the side of room (Kotha) while using abusive language. Then from canal side of our village my uncle (Chacha) Balam Singh was coming from distance of near 2 Killa's. Then **Gurtej Singh** given blow of stick to Resham Singh on his head and Desa Singh given reverse side blow of gandasa forcefully on Resham Singh. Then Resham Singh became unconscious. Then I raised noise of Don't Hit, Don't Hit (Na Maro Na Maro) then Gurmail Singh @ Babli given three blows forcefully on my head and I also felt unconscious. When I regained my consciousness then I was in a car and Resham Singh was also in car in unconscious manner and my father Mithu Singh was sitting on the front seat of car and my uncle (chacha) was sitting on the back seat while holding both of us. Then I came to know that above mentioned persons has given injuries on my left leg below knee and also hit on right shoulder and they given injuries to Resham Singh on chest, right shoulder, right leg below knees. Then I was told by my uncle Balam Singh that I also raise noise of not to hit (Na Maro Na Maro) and the above mentioned persons thought that you are dead ran away with their weapons from the spot. Then we arranged the car of our neighbours on the spot. Then we were admitted to civil hospital Sunam for treatment, where I am



undergoing treatment and Resham Sigh was referred to Rajindra Hospital Patiala. The cause of enmity is that the above mentioned persons used to stop us from crossing the government passage due to which with common intention they inflicted injuries. Action be taken against the above mentioned persons. Statement has been recorded to you and found correct. Sd/-”

It has been further submitted that the petitioner and the complainant party have adjoining lands and there was an ongoing dispute between them pertaining to the passage. It was in the aforementioned background that the accused party comprising of the petitioner inflicted injuries upon the injured Resham Singh. However, it has not been disputed by the State counsel, on instructions, that the injured/material witnesses already stand examined. It has still further been submitted that the next date of hearing fixed before the trial Court is today, when some more witnesses have been summoned to depose.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody for close to one year having been arrested on 27.09.2023. He has been attributed injuries with a stick on the head of the injured Resham Singh, who has since been examined. The trial would take considerable time to conclude as 14 prosecution witnesses still remain to be examined.



6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

28.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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