

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-22313-2023**

**Date of Decision:-30.01.2024**

**Kulwinder Singh @ Kinda.**

.....Petitioner.

Vs.

**State of Punjab.**

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. J.S. Ghumman, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

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**JASJIT SINGH BEDI, J.(ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.52 dated 24.06.2019 under Sections 307, 323, 325, 506, 34 and 201 (added later on) of IPC registered at Police Station Nurmehal, District Jalandhar Rural.

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

*“1. KULWINDER SINGH 2. JASWANT SINGH 3. HARDEEP SINGH*

*Statement of Jagdeep Singh that I am a resident of the above said address and am a farmer. The water way of our land is common with the land of my uncle (chacha) Hardeep Singh and Amarjeet Singh and we are co-sharers. On 23.06.2019, Daljit Singh, my father was about to pass water from the 'Aad' (Khal). In the meantime, Hardeep*

*Singh, my uncle, armed with Dang, Kulwinder Singh armed with spade and Jaswant Singh armed with spade came there and started hurling abuses upon my father. Hardeep Singh raised a lalkara to catch hold of Daljit Singh and not to spare him for passing water through Aad', upon which Kulwinder Singh gave a spade blow on the head of Daljit Singh with intent to kill him. Consequently, Daljit Singh fell down. Jaswant Singh gave kick blows to Daljit Singh. When complainant Jagdeep Singh and his brother Kuldeep Singh came forward to rescue Daljit Singh, Kulwinder Singh gave two consecutive blows with his spade upon right and left side of my head; Hardeep Singh gave a Dang blow to my right knee; Jaswant Singh gave a spade blow on the head of Kuldeep Singh: Jaswant Singh gave two consecutive blows with his spade, which hit Kuldeep Singh on his right hand, Hardeep Singh gave a Dang blow on the right knee of Kuldeep Singh. Then we raised alarm, upon which all the assailants fled away from the place of occurrence with their respective weapons. Time then was about 7:30 AM. This incident has been witnessed by Gurmeet Singh S/o Darshan Singh. Then Parminder Singh arranged for a vehicle and got us admitted in Civil Hospital, Nurmehal. As the situation of my father was bad, he was referred to the Civil Hospital, Jalandhar. Reason behind the incident is that we share the waterway ("Aad"). Sd/- Jagdeep Singh".*

3. The counsel for the petitioner contends that the occurrence has taken place between the cousins on account of a dispute of a water way. It is a case of version and cross version where the petitioner side has also received injuries. A cross case bearing DDR No.38 dated 30.12.2019 under Sections 323, 34 IPC stands registered against Jagdeep Singh and Daljit Singh, the present complainant party. As the petitioner was a first time

offender, in custody since 26.09.2022 but none of 22 prosecution witnesses had been examined so far, the Trial of the present case is not likely to be concluded anytime soon and, therefore, the petitioner was entitled to the concession of bail.

5. The Counsel for the State on the other hand has filed status report by way of affidavit dated 29.08.2023 of Mr. Sukhpal Singh, PPS, Deputy Superintendent of Police, Sub Division Nakodar, District Jalandhar (Rural) in court today, which is taken on record. While referring to the said status report, he contends that the petitioner is the main accused having inflicted grievous injury on the head of the victim Daljit Singh which was declared to be dangerous to life. Therefore, the petitioner was not entitled to the concession of bail. He however concedes that petitioner was a first time offender, in custody since since 26.09.2022 and none of the 22 prosecution witnesses have been examined so far.

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

7. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner was a first time offender, in custody since 26.09.2022 and none of the 22 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Kulwinder Singh @ Kinda** son of Sh. Hardeep Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. If the petitioner or any of his family members/associates make

any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

10. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

January 30, 2024  
Vinay

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |