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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(232)

CRM-M-25442-2024 (O & M)
Date of Decision: 24.05.2024

Kapoor Singh

... Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohit Sadana, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a cross case bearing GD No.55 dated 29.03.2024 in FIR No.33 dated 17.03.2024 under Sections 323, 341, 308, 148 and 149 IPC registered at Police Station Lehra, District Sangrur.

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

“Statement Satnam Singh son of Bhura Singh Resident of Hariau Police Station Lehra District Sangrur Age about 26 years MOB: 76967-36995, stated that I am a resident of the said address. I do agricultural work. On date 17-2-2024 at about 6.30 PM, I and Pita Singh was coming home after spraying from his field. Then Pita Singh told me that Sandeep Singh son of Billu Singh of Hariau has to talk to



::2::

you about something important. So I said that we will go to him at his house. When we went home, I stood back and Pita Singh and Sandeep Singh started talking to each other. Meanwhile, Sandeep Singh's younger brother Amandeep Singh was passing by. He saw me standing behind, then at a little distance, I stood in front of Sandeep Singh and Pita Singh. Then Sandeep Singh's elder brother Gobind Singh came to me and we started talking to each other and Sandeep Singh went inside his house and brought the sword. Then his mother took the sword from his hand. Sandeep Singh's elder brother Gobind Singh told me that you may go home now and will talk in the morning then I picked up my motorcycle and came to my house. Then after about half an hour, Sandeep Singh along with Jaskaran Lambardar, Sukhmandeep Singh and some other unknown persons came in front of my house and started shouting. When I went out of the house, Sukhmandeep Singh hit me on the right side with gandasa held in his hand and Jaskaran Lambardar caught my collar and Sandeep Singh hit my left leg with the stick held in his hand. Hearing our cry, my father Bhura and Uncle Jagsir Singh son of Mall Singh came out. When my father and my uncle rescue me then Sandeep Singh's brother Amandeep Singh and his father Billu Singh and his mother who were holding sticks in their hands, started to beat my father and uncle. I backed away in fear then above said persons started beating my father and uncle with weapons they held in their hands i.e. gandasa and sticks. They hit gandasa to my father Bhura Singh on the left shoulder, above the left eye, the right shoulder and hit the stick on the right side of his back. My uncle Jagsir Singh son of Mal Singh was hit stick on the head, hit stick on the right wrist and hit the stick on the left shoulder due to which my father



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and my uncle fell down. Hearing our cry, our neighbour came there. Seeing them gathering, the above said persons took away my motorcycle standing in front of my gate and took away my gold chain. Then Avtar Singh, Satgur Singh and my uncle Kapur Singh arranged a vehicle for us and admitted us to Civil Hospital Lehra, where Doctor Sahib gave us first aid and referred us to Civil Hospital Sangrur where we are undergoing treatment. The reason for the grudge is that we had a fight before but we got compromised. They have grudge against me and my family. I have written a statement to you, have read it, please take appropriate action SD/-Satnam Singh.”

3. The cross-version bearing G.D. No.55 dated 29.03.2024 (Annexure P-1) came be to registered at the instance of Sandeep Singh (since granted concession of bail vide a common order dated 20.05.2024 passed in CRM-M-22927-2024 in main FIR bearing No.33 dated 17.03.2024, Annexure P-2) son of Balbir Singh and reads as under:-

“At this time, it is recorded that The copy of rapat No. 39 dated 19.02.2024 CCTNS daily police station Lehra, Statement of Sandeep Singh son of Balbir Singh resident of Hariau, police station Lehra district Sangrur alongwith police action received from PHG Mahinder Singh 48172 and Harbans Singh 1433 Police station Lehra. The contents is as under that Sandeep Singh son of Balbir Singh resident of Hariau police station Lehra district Sangrur age about 21 years MOB: 98782-85745, stated that I am a resident of the said address. I drive. I was present at my house on 17-2-2024 then Gurpreet Singh @ Pita came to my house who was standing at my gate who asked me for the phone



::4::

number of a boy named Chele, who drives tralla (truck) that he should drive with Chele. So I told him that I don't have Chele's phone number then Pita Singh started drinking then I came to know that Gurpreet Singh @ Pita came to me under the scheme, who kept Satnam Singh @ Satta outside my house, Gurjant Singh son of Leela Singh and Satgur Singh son of Seera Singh resident of Hariau were also roaming outside my house on the motorcycles. Then I got scared and called Sukhmandeep Singh son of Jarnail Singh resident of Hariau that these men have come to beat me in the mean time, Gurpreet Singh @ Pita left my house and then I closed the door of my house. The above persons ran away from my house after calling. Then Sukhmandeep Singh and Jaskaran Singh Nambardar came to my house. We all three of us went towards house of Sukhmandeep Singh to file a complaint to the police station. When we were going towards the house of Sukhmandeep Singh then Babli Singh resident of Hamirgarh, Satgur Singh son of Jagsir Singh, Satnam Singh son of Bhura Singh and Gurpreet Singh alias Pita son of Kala Singh residents of Hariau were standing with a stick in their hands. Kapur Singh was also standing with a stick in his hand and Gurjant Singh was standing with an axe in his hand who started beating us on the way. They hit my left wrist with a stick and hit Sukhmandeep Singh's head with an axe and hit left arm, back and both legs with a stick. Hearing our cry, Gurnaib Singh son of Jagraj Singh and Jaskaran Singh resident of Hariau came when they tried to free us from these people then they hit Gurnaib Singh on the right side of the head and hit left elbow and right shoulder and right finger and right hand and we fell down. After hearing our cry, our neighbors came. They rescued us from these people and these people ran away from the spot.



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Sukhmandeep Singh's father Jarnail Singh arranged a vehicle and admitted us to Civil Hospital Lehra, where Dr. Sahib gave us first aid and referred us to Civil Hospital Sangrur where treatment is going on. The grudge is that Sukhmandeep Singh is my friend with whom Satnam Singh had fight earlier. Satnam Singh is having a grudge against me from that day due to which the said people have beaten us. I have written a statement, read and appropriate action should be taken. SD/- Sandeep Singh”.

3. The learned counsel for the petitioner contends that it is a case of version and cross-version wherein the petitioner side had got registered the FIR in question. However, taking the allegations to be correct, the petitioner-Kapoor Singh has been attributed simple injuries on the person of Sukhmandeep Singh and Gurnaib Singh. Sukhmandeep Singh has been granted the concession of regular bail in the main case bearing FIR No.33 dated 17.03.2024 vide a common order dated 20.05.2024 passed in CRM-M-22857-2024. As the petitioner was a first-time offender, in custody since 04.04.2024 but the investigation was still pending, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 04.04.2024 and it is a case of version and cross-version.



::6::

5. I have heard the learned counsel for the parties.
6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, it is a case of version and cross-version where both the sides have received injuries. It would be a moot point during the course of the Trial as to which party was the aggressor side. As the petitioner is in custody since 04.04.2024 but the investigation is still pending, 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.
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Kapoor 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.
8. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 24, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No