



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.30412 of 2024
Date of decision: 22nd August, 2024

Sukhwinder Singh
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Inderjeet Sharma, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.
Mr. Dharminder S. Randhawa, Advocate
for the complainant

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0285 dated 26.12.2022 under Sections 323, 324, 506, 34 of the IPC (Section 326 IPC added later on) registered at Police Station Samana, District Patiala.
2. Learned counsel for the petitioner submits that admittedly it is a case of version and cross version wherein both the sides, who are closely related to each other, received injuries at the hands of each other. It has been submitted that even as per the allegations levelled in the FIR in question, the petitioner was armed with iron Faura with which he allegedly inflicted injuries on the nose and shoulder of the complainant. Learned counsel submits that both these injuries were opined to be



simple in nature. It has been further submitted that in the crime in question only one injury inviting the mischief of Section 326 IPC was sustained by the complainant party, which had not been attributed to the petitioner but to co-accused Gurdeep Singh @ Laddi. Learned counsel submits that since investigation in the present case is complete as challan stands presented coupled with the fact that the petitioner has no criminal antecedents, his further incarceration would serve no useful purpose as he has now been in custody since 01.03.2024. A prayer has therefore, been made for extending the concession of bail to the petitioner.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the factual aspect of the role attributed to the petitioner in the crime in question. It has also not been disputed that investigation in the present case is complete and challan presented. However, it has been submitted that charges are likely to be framed on the next date of hearing fixed before the trial Court i.e. 05.09.2024. On further query, learned State counsel on instructions, has submitted that as many as 33 prosecution witnesses have been cited.

4. I have heard learned counsel for the parties and perused the relevant material on record including the FIR in question, which has been reproduced hereinbelow:



“Stated that I am resident of address mentioned above, do agriculture work and vehicle Tufan has been engaged in PPS School Chupki. On 23-12-22, it was about 12 hrs during day time, Gurdeep Singh, Sukhwinder Singh, Subeg Singh and Paramjit Kaur were quarreling outside of the house with my brother Ajaib Singh, then by hearing voice I came outside and saw, Gurdeep Singh alias Ladi was having 'Kirpan', Sukhwinder Singh was having 'iron faura', Subeg Singh was having 'Gandasi' and Paramjit Kaur wife of Gurdeep Singh was having 'wooden dang': in her hand and I saw why you are quarrelling with my brother and by going ahead said that you should make division of land and house and raise wall, on saying such words from me, Gurdeep Singh who was having kirpan in his hand attack with kirpan on my brother Ajaib Singh and it struck on his left arm and injuries were caused on his head an other parts of the body, then I came ahead to save then Gurdeep Singh alias Ladi attack on me with Kirpan, I to save myself took forward my left hand and struck on the same, then Sukhwinder Singh attacked on me with Iron Faura which he was keeping in his hand, which struck on my nose, then one more attack did on me and it struck on the shoulder on my right leg then Subeg Singh attacked on me with reverse Gandasi who was keeping in the same in his hand and it struck on my right 'purpari', then did another attack on me which struck on my left shoulder,



then my 'bhabi' Paramjit Kaur attacked on me with 'dang' which she was keeping in her hands and it struck on my head and gave me beatings, hearing hue and cry my wife Jaswinder Kaur and Mandeep Kaur came to save us, they were also given beatings and while giving threats the above said persons fled away from the spot alongwith their weapons. The reason of grudge is that dispute is going on of them with us regarding the partition of land and regarding lease and on account of partition of house. They have dropped bricks to raise wall, due to this they have raised fighting and caused injuries. I called my niece Gurwinder Singh by making a phone call, who by making arrangement of vehicle got admitted us in Civil Hospital, Samana, from which due to multiple injuries to me and my brother Ajaib Singh got admitted to Rajindra Hospital and my brother Ajaib Singh was referred to PGI, Chandigarh, the other party Subeg Singh have suffered injuries from us. I have got my statement written to you, which is correct.”

5. As not disputed, the petitioner has been attributed simple injuries on the nose and shoulder of the complainant. Challan stands presented in the present case. The trial would take considerable time to conclude as charges have not yet been framed coupled with the fact that 33 witnesses have been cited by the prosecution. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit



to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

August 22, 2024
rps

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