

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35702-2023(O&M)
Date of decision: 10.01.2024

Kirpal Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Namit Khurana, Advocate for the petitioner.
Mr. M.S. Tiwana, AAG., Punjab for the respondent-State.
Mr. G.N. Malik, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of Cr.P.C. for grant of bail pending trial to the petitioner in FIR No. 26 dated 27.02.2023, under Sections 307, 324, 323, 341 read with Section 34 of IPC (Section 326 added later on), registered at Police Station City-II, Malerkotla.

(2) Allegations in brief are that a ceremony was to be performed on 26.02.2023 in Gurudwara Nanak Darbar, Dera Baba Thara Singh, Malerkotla. On 23.02.2023, Complainant-Sukhdeep Singh got repaired the non-working CCTV cameras of Gurudwara Sahib. On the same day, co-accused-Sarabjit Singh removed those CCTV cameras and took away the same. On 26.02.2023, when the ceremony was over and after the public dispersed, grandfather of the complainant namely Pardhan Singh who is also head granthi of the Gurudwara was standing outside the Darbar Sahib, then accused-Sarabjit Singh, Kirpal Singh (petitioner), Jaipal Singh and Parkash Singh started arguing with Pardhan Singh and gave him beatings. Co-accused Sarabjit Singh gave *kirpan* blow on the abdomen of Pardhan Singh. Accused Jaipal Singh caught hold off complainant-Sukhdeep Singh and co-accused

Sarabjit Singh gave *kirpan* blow on the right shoulder of Sukhdeep Singh.

(3) Learned counsel for the petitioner contends that although petitioner is named in the FIR, but no specific role has been attributed to him and that *Kirpan* blow is alleged to have been given by co-accused-Sarabjit Singh. Further contends that after investigation, report under Section 173 Cr.P.C. has already been submitted, but charges are yet to be considered. Also submits that this Court granted interim bail to the petitioner on 31.07.2023 and he has never misused the concession.

(4) *Per contra*, learned State counsel while opposing the prayer submits that petitioner along with other co-accused manhandled and injured Pardhan Singh and caused injuries with an intention to kill him. During the scuffle, injuries were also caused to the complainant-Sukhdeep Singh and in case, petitioner is released on regular bail, there are chances of pressurizing the prosecution witnesses.

(5) Heard learned counsel for the parties and perused the paper book.

(6) As per MLR, injured Pardhan Singh suffered two injuries during the alleged occurrence and which are as under:-

“ (i) *Lacerated wound 2cm x 1cm with a sharp margin on the abdomen left side with fresh bleeding.*
(ii) *Lacerated wound 1cm x 1.5cm on the Dorsum of middle finger of left hand, advised Ortho opinion.*”

(7) Police file also shows that petitioner was present during the scuffle with other co-accused and they all encircled the complainant as well as his grandfather and caused multiple injuries by giving *Kirpan* blows. Hence, complicity of petitioner is apparent at this stage.

(8) However, material prosecution witnesses are yet to be examined and there is every likelihood that petitioner may threaten the witnesses. Therefore, this Court is not inclined to grant bail to the petitioner, at this stage.

(9) Consequently, petition is dismissed.

- (10)

The observations made above be not construed as an expression of opinion on merits of the case; rather confined only to decide the present petition.
- (11)

Pending application(s), if any, shall also stand disposed off.

10.01.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>