



CRM-M-39371-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.235

Case No. : CRM-M-39371-2024

Date of Decision : August 23, 2024

Avtar Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Pranav Raghu, Advocate
for Mr. Kamal Gupta, Advocate
for the complainant.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in a cross-case registered vide DDR No.36 dated 08.10.2021, under Sections 341, 326, 323, 148, 149 IPC, 1860 (Annexure P-2), in case FIR No.25 dated 01.03.2021, under Sections 341, 148, 149, 323, 325, 120-B, 506 IPC, 1860, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. As per the allegations, earlier FIR No.25 dated 01.03.2021 was registered by the petitioner himself against complainant namely Gurdev Singh and others, wherein it was stated that on 24.02.2021, when he was going with his niece on his motorcycle, they were way-laid by complainant



party and they both were inflicted injuries with sharp edges weapons and when their family members i.e. Partap Singh and Tejinder Kaur came for their rescue, they were also attacked by the complainant party. In this way, total four persons were inflicted injuries, as a result of which, FIR in question was lodged by the petitioner. After a passage of almost six months, as a counter-blast, complainant Gurdev Singh got registered the cross-version of the case that the petitioner along with some other persons, had inflicted injuries on the person of complainant Gurdev Singh and Sukhdev Singh and the DDR in question was got registered at the same Police Station against the petitioner and four other persons. Though final report under Section 173 Cr.P.C. in the main FIR was filed but the Investigating Officer found the allegations levelled against the petitioner in the cross-version to be false and concocted ones and therefore, filed cancellation report before the Court concerned. However, the learned Court did not agree with the same and ordered further investigation.

3. Learned counsel for the petitioner has submitted that the petitioner has been implicated in the present cross-case due to rivalry as he is the author of main FIR in question. Even the allegations levelled against him were found to be false by the Investigating Officer at one stage and cancellation report was also filed in this regard before the Trial Court. He has further argued that even if the allegations against the petitioner are taken to be true and role attributed to the petitioner, that he gave *kirpan* blow on the left leg of the complainant, is presumed to be true, even then the offence allegedly committed by the petitioner would come under the purview of

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Section 326 IPC. Most importantly, it has been pointed out that there is a gap of 07 months and 07 days between the lodging of FIR by the petitioner and registration of cross-version by the complainant, which clearly indicates that it is an after thought and just to take revenge from the petitioner for lodging the FIR against the complainant. Learned counsel for the petitioner further submits that the petitioner is in custody since 15.07.2024. The other four co-accused have been granted concession of anticipatory bail by the learned Additional Sessions Judge, Tarn Taran. The challan is yet to be presented. As such, completion of trial will take a long time. So, the petitioner be released on bail.

4. On the other hand, learned State counsel, accompanied by learned counsel for the complainant, has placed on record latest Custody Certificate of the petitioner. Learned State counsel, while opposing the bail petition, has submitted that serious allegations have been levelled against the petitioner. It is a case of version and cross-version. The case is at the initial stage. If the petitioner is released on bail, he may influence the witnesses of the other side. It has, therefore, been prayed that the petitioner does not deserve concession of bail.

5. Heard.

6. A bare perusal of file shows that both the parties i.e. petitioner side and complainant side are involved in causing injuries to each other. Firstly, FIR in question was registered at the instance of the petitioner accusing complainant side and then, cross-version was got registered as a counter-blast by the complainant side against the petitioner side. The

question, as to which party was the aggressor one, would be decided during trial. The challan in the FIR has already been presented, whereas the same is pending in the DDR case. Culpability of the petitioner would be decided during trial of the case.

7. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. Nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

10. Pending applications, if any, shall stand disposed of along with this judgment.

August 23, 2024

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.