



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-42606-2024

Date of decision: 05.09.2024

Varinderpal Singh @ Binny Balara alias Virenderjit Singh @ Binny

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harpreet Singh Multani, Advocate and
Ms. Harleen Kaur, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Anant Singh Gill, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.101 dated 10.05.2024 under Sections 307, 295, 323, 341, 506, 148, 149 of the IPC registered at Police Station Sadar, District Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case, for allegedly inflicting injuries on the complainant, along with other co-accused. While drawing the attention of this Court to the FIR which has been reproduced in the body of the petition, it has been submitted that a perusal of the allegations levelled therein clearly reveals that the essential ingredients of the alleged offences are entirely absent coupled

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with the fact that even as per the Medico Legal Report (MLR) of injured Sahibjit Singh, no grievous injury was sustained by him. Furthermore, it has been asserted that the only role attributed to the petitioner is that he, along with the co-accused, obstructed the complainant's way and allegedly struck him with a baseball bat. It is further contended that the version of events presented in the FIR is not only false but also distorted, as it is at complete variance with the medical evidence of injured Sahibjit Singh.

3. Learned counsel for the petitioner has further argued that it was, in fact, the complainant party, which weilds considerable influence, who initiated the occurrence in question on the night between 09/10.05.2024 and attacked the accused party. On account of the attack, driver of the petitioner, Sukhjinder Singh, who was present along with him, sustained injuries and was then promptly taken to Civil Hospital, Ludhiana, where he was then medico legally examined at 02:45 A.M. In support, learned counsel has drawn the attention of this Court to Annexure P-2, which is the MLR of Sukhjinder Singh, driver of the petitioner. It has been submitted that in the MLR (Annexure P-2) it clearly stands reflected that injured Sukhjinder Singh was admitted to the Civil Hospital, Ludhiana, at 02:45 A.M. and he sustained the following injuries:-

Sr. No.	Injuries	Marked	Injury No.
1	6x 2 x 1 CM LACEARTED WOUND OVER THE LEFT HAND DORSUM ULNAR SIDE FRESH BLOOD SWELLING DIFFUSE PRESENT ORTHO OPINION AND MANAGEMENT	Yes	1

2	4 X0.2 CM INCISED WOUND WITH TAILING AT BOTH ENDS PRESENT OVER THE LEFT FOREARM JUST BELOW ELBOW ORTHO OPINION AND MANAGEMENT	Yes	2
3	7x0.1 CM INCISED WOUND WITH TAILING AT BOTH THE LEFT ARM LATERAL SIDE FRESH BLEED	Yes	3

4. Learned counsel for the petitioner has argued that the injuries sustained by the driver of the petitioner, Sukhjinder Singh, could not have been self inflicted.

5. The attention of this Court has also been drawn to the MLR of complainant, Sahibjit Singh, which has been annexed as Annexure P-4. It has been submitted by the learned counsel for the petitioner that it clearly stands reflected in the MLR of Sahibjit Singh that he was admitted to the hospital much later, after the petitioner's driver had already been examined. Further, it is pointed out that as per the aforementioned medical report, the complainant was under the influence of alcohol at the time of his admission in the hospital at 03:00 A.M.; most importantly, out of the four injuries sustained by the complainant, three were minor abrasions while the fourth was a lacerated wound of only 3 cm x 1 cm, caused by a blunt object.

6. In the light of the above facts and circumstances, learned counsel for the petitioner has urged that since the petitioner has already been in custody for nearly four months, having been arrested on 10.05.2024, and the challan has been presented, his further incarceration would serve no useful purpose. In addition, it has also been contended that the case is yet to be committed to the Court of



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Sessions, and the prosecution has cited as many as 14 witnesses, which clearly indicates that the trial will take considerable time to conclude.

7. Per contra, learned State counsel assisted by counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. The allegations levelled in the FIR which stands reproduced hereinunder have been reiterated by the learned counsel by submitting that a perusal of the FIR clearly reveals that not only was the petitioner named therein but he along with the other accused actively participated in the alleged crime. However, when questioned by this Court regarding the injuries sustained by Sukhjinder Singh during the occurrence in question, and the doctor's opinion regarding the nature of injuries sustained by complainant Sahibjit Singh, learned State counsel as well as counsel for the complainant were unable to controvert the same. Learned counsel for the complainant instead asserted that the possibility of the injuries sustained by Sukhjinder Singh being self inflicted could not be ruled out.

“Statement of Mandeep Singh Son of Gurbal Singh Resident of Village Jhamat District Ludhiana aged 37 years Mobile No. 7814055380 has stated that I am the resident of the above said address and I am office incharge of MLA Jeevan Singh Sangowal. Today, dated 09.05.2024, there was ceremony program of son of the MLA sahib's at his residence. At around 12:00 AM on 10.05.2024, Sahibjit Singh @sabi, a resident of village Jhamat and Block President of our party, left the function and went outside. When I also went outside, I saw Sahibjit Singh @ sari surrounded by Charanjit Singh Balara and his son along with 10 unknown persons armed with baseballs and sticks. Charanjit Singh Balara removed Sabi's turban, Binny Balara hit Sahibjit Singh with intention to kill him on the head with a sharp weapon. The other individuals with sticks and baseballs also started



beating Sahibjit Singh. When I intervened, requesting them not to disrupt the wedding celebration of MLA Sahib's son, but they turned on me and removed my turban as well. When I shouted for help "Mara dita-Maar data", they threaten us and fled with their weapons from the spot. Alongwith my colleagues, including Chetan Sharma, we took Sahibjit Singh to Pancham Hospital, where was referred to DMC hospital after receiving basic medical attention. Sahibjit Singha Sabi, is currently admitted to DMC hospital in a conscious state, receiving treatment. I request you that take legal action against Charanjit Singh, his son Binny Bulbar and the 10 unknown persons involved. Statement written and heard it's correct. Sd/ Mandeep Singh 7814055380 verification SD/- Satwinder Singh SI Chownki Mardo, PS Sadar Ludhiana dated 10/05/2024"

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. As not disputed by both the learned counsel for the State as well as the complainant that the injuries sustained by the complainant party in the occurrence in question were indeed opined to be simple in nature; it is also not disputed that the driver of the petitioner, Sukhjinder Singh, who was medico legally examined, prior to the examination of injured Sahibjit Singh, had sustained injuries, some of which were opined to be grievous in nature. Be that as it may, the petitioner has now been in custody since 10.05.2024, and the challan already stands presented. However, since the charges have not yet been framed, the trial is unlikely to conclude shortly. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it

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is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

05.09.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No