

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-44423-2023
Reserved on:- 06.08.2024
Pronounced on: 30.08. 2024

Balwinder Singh @ Baljinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.P.S.Khadial, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

Mr. Rahul Rampal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
34	13.04.2023	Maur, District Bathinda	307, 458, 324, 427, 148 and 149, IPC (Sections 459 and 326, IPC were added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:-

"....on dated 13.04.2023, one ruqqa was received from Police Station Talwandi Sabothat Satnam Singh Son of Kaur Singh resident of Mansa Kalan was admitted in hospital and referred to Bathinda and send I/o for action. On which, ASI Gian Chand 1485/BTI Police Station Maur, District Bathinda along with Sct Jagga Singh No.651, PHG Bhan Chand No.10837 reached at Civil Hospital, Talwandi Sabo and MLR No. YPS/2023/TS/32 pertaining to Satnam Singh was obtained, wherein medical officer had mentioned Five Injuries to be inflicted upon injured and all of these were sharp. Then ASI-Gian Chand had contacted heirs of injured and came to know that the injured was admitted in Neuro Spine & Trauma Centre, Bathinda and ASI Gian Chand along with police party reached at Neuro Spine & Trauma Centre, Bathinda, where doctor suggested injured as unfit for

recording statement. Where, Major Singh Son of Mohinder Singh resident of Behniwal, District Mansa now Village Mansa Kalan, who is maternal uncle of injured (Mamma), got recorded his statement before ASI Gian Chand and operative of the same is reproduced as under:-

“Major Singh Son of Mahinder Singh Son of Gujjar Singh resident of Behniwal, District Mansa, at present resident of Village Mansa Kalan aged about 60 years: Stated that I am resident of above noted address and I am agriculturist by occupation. I am residing in the house of my sister Karamjit Kaur wife of Late Kaur Singh resident of Mansa Kalan from last 28 years. My sister Karamjit Kaur has three children, two daughters are married and one son Satnam Singh who is also married. On dated 12.04.2023, at evening time. I and my nephew Satnam Singh slept in the house after eating food etc. Then at about 11.00 PM. one person entered into the house of my Bhanja by jumping over the wall and opened the main gate of house towards street and on looking him while opening the door, I and my Bhanja got up then 8-10 persons entered into the house, out of them Bindu Singh Son of Makhan Singh armed with Dah, Makhan Singh Son of Surjit Singh armed with Kirpan, Brother-in-Law of Bindu resident of Ubha armed with Kirpan, Chamkaur Singh Son of Jagraj Singh armed with Kirpan, Babby Singh and Pargat Singh armed with Kape, residents of Village Ubhey, District Mansa and 4-5 unknown persons came into the house, I was laying in the courtyard then 2-3 unknown persons have caught hold me and my Bhanja Satnam Singh was sleeping inside the room, these persons have broken the glass of lobby and went to Satnam Singh, Bindu Singh has given blow of his Dah on the head of my Bhanja Satnam Singh, which hit on the right side of his head, then Brother-in-Law of Bindu has given his sword blow on the head of my Bhanja, then Makhan Singh has given blow of Kirpan on the head of my Bhanja, which hit on the left side of Satnam Singh, in the meantime. Chamkaur Singh has given his Kirpan blow to Satnam Singh which hit on his left leg and Babbi Singh and Pargat Singh have given repeated blows with their Kappas, on the right leg of my Bhanjan, I raised noise "Na Maro Na Maro" then our neighbours gathered there and the residents of the village have also raised noise "Na Maro Na Maro" then all the above said assailants, after beating my Bhanja Satnam Singh Son of Kaur Singh resident of Mansa, ran away towards the street. I have arranged vehicle with the help of people and got my Bhanja Satnam Singh admitted in government Hospital Talwandi Sabo, where after giving first aid, the doctors have referred us and I got Satnam Singh admitted in Nuro Spine Trauma Centre, Bathinda where he is under treatment. The motive behind the incident is that Bindu Singh have doubt of illicit relations of my Bhanja Satnam Singh, therefore above said persons have beaten my Bhanja Santam Singh by entering into our house with the aim to kill him. Legal action be taken against them. Statement got recorded, heard, same is correct. LTI of Major Singh, supported by Sd/- Rajwinder Singh @ Raja Son of Jassa Singh resident of Mansa Kalan, attested by Sd/- Gian

Chand, ASI, Police Station Maur, District Bathinda dated 13.04.2023.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the reply.
6. The petitioner and his associates entered the victim's house and were armed with deadly weapons. Although one blow has been attributed to the petitioner, the intent is apparent based on the nature of the assault.
7. A perusal of the bail petition and the attached documents prima facie points towards the petitioner's involvement but does not make out a case for bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
8. Petitioner's custody is around one year and three months, which cannot be said to be prolonged given the heinous nature of the crime and the penal provisions invoked.
9. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
10. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.