



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

CRM-M No.44337 of 2024
Date of decision: 23rd October, 2024

Desa Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gazi Mohd. Umair, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent.
Mr. Mayank Vashishth & Mr. Abhay Superan,
Advocates 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.137 dated 12.07.2023 under Sections 307, 323, 325, 34 of the IPC registered at Police Station Lehra, District Sangrur.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 27.11.2023 and there is no likelihood of the trial concluding in the near future as 16 prosecution witnesses still remain to be examined. It has also been submitted that the two most material witnesses, injured Chamkaur Singh and Resham Singh, who allegedly received injuries in the occurrence in question, already stand

examined, hence, there can be no possibility of the petitioner tampering with the evidence or intimidating/influencing the witnesses.

3. Learned counsel has also drawn the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1. It has been argued that no doubt the petitioner has been named in the FIR in question, and it has also been alleged that the petitioner was armed with a Gandasa, however, there is no specific attribution qua the seat of injury attributed to the petitioner other than that he had used the reverse side of the Gandasa to inflict an injury on the person of the injured.

4. On a pointed query posed to the learned counsel as to whether the petitioner has any previous criminal antecedents, he has categorically replied in the negative.

5. Per contra, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite and reiterated the allegations levelled in the FIR in question, which stands reproduced here under:

“Copy of statement, "Statement of Chamkaur Singh son of Mithu Singh resident of Lehal Kalan P.S. Lehra aged about 28 years, Stated that I am resident of above mentioned address. I am an agriculturist. I am only brother. I am having one sister and she is already married. I am unmarried. My uncle (Chacha) Balam Singh has two sons. The elder son Jasvir Singh is working in Army and the younger son Resham Singh is unmarried. I and my son Resham Singh help each other in agriculture work. Today myself and Resham Singh after working in the fields of

*Resham Singh and we were standing in the passage, then at about 7:00 A.M. Gurmail Singh @ Babli, Gurtej Singh son of Desa Singh and **Desa Singh** son of Gurdial Singh resident of Lehal Kalan, and they were neighbours to the fields of Resham Singh and they told us that don't go from this passage. Then we told them that this passage is government property. We will go from this passage. Then they came in anger. Then above mentioned persons went to the room near motor to bring weapons. From them Gurmail Singh has stick (Daang) in his hand, Gurtej Singh is having stick (Daang) and **Desa Singh** is carrying Gandasa. They came from the side of room (Kotha) while using abusive language. Then from canal side of our village my uncle (Chacha) Balam Singh was coming from distance of near 2 Killa's. Then Gurtej Singh given blow of stick to Resham Singh on his head and **Desa Singh** given reverse side blow of gandasa forcefully on Resham Singh. Then Resham Singh became unconscious. Then I raised noise of Don't Hit, Don't Hit (Na Maro Na Maro) then Gurmail Singh @ Babli given three blows forcefully on my head and I also felt unconscious. When I regained my consciousness then I was in a car and Resham Singh was also in car in unconscious manner and my father Mithu Singh was sitting on the front seat of car and my uncle (chacha) was sitting on the back seat while holding both of us. Then I came to know that above mentioned persons has given injuries on my left leg below knee and also hit on right shoulder and they given injuries to Resham Singh on chest, right shoulder, right leg below knees. Then I was told by my uncle Balam Singh that I also raise noise of not to hit (Na Maro Na Maro) and the above mentioned persons thought that you are dead ran away with their weapons*

from the spot. Then we arranged the car of our neighbours on the spot. Then we arranged the car of our neighbours on the spot. Then we were admitted to civil hospital Sunam for treatment, where I am undergoing treatment and Resham Singh was referred to Rajindra Hospital Patiala. The cause of enmity is that the above mentioned persons used to stop us from crossing the government passage due to which with common intention they inflicted injuries. Action be taken against the above mentioned persons. Statement has been recorded to you and found correct. Sd/- Chamkaur Singh Attested Sd/- ASI Malkit Singh 589/Sgr. P.S. Lehra Dated 11.07.2023. Police Action: Today incharge munshi has told that Resham Singh son of Balam Singh and Chamkaur Singh son of Mithu Singh residents of Lehal Kalan due to fight were admitted in civil Hospital Sunam. Action be taken. Myself ASI on reaching Civil Hospital Sunam taken written opinion of doctor regarding injured persons. Doctor Sahib has written about referring the injured persons to Civil Hospital, Sangrur. Then myself ASI received MLR's of injured persons and after reaching P.S. Lehra then myself ASI along with HC Jagraj Singh 1853, Sandeep Kaur Lady Constable 218, PHG Mahinder Singh 48172 reached civil Hospital Sangrur and from where they have taken opinion of doctor for recording statements of injured. Then doctor sahib written about referring injured Resham Singh to Rajindra Hospital Patiala and doctor sahib written injured Chamkaur Singh fit to record his statement. In the MLR of Resham Singh No.24/CJR/SNM/23 there are 5 injuries with blunt Weapon mentioned and all the injuries are kept for the opinion of doctor. In the MLR of injured Chamkaur Singh MLR No. 23/CJR/SNM/23 the doctor sahib mentioned 5 injuries with

blunt weapon and the injuries are kept for opinion of doctor. The statement of injured Chamkaur Singh written word by word and he read it and found it correct and after it signed in Punjabi and which is verified by me. From the statement and MLR's of injured offence under section 307, 323, 34 of IPC is made out. So statement is sent through PHG Mahinder Singh 48172 for registration of case against Gurmail Singh @ Babli, Gurtej Singh son of Desa Singh and Desa Singh son of Gurdial Singh resident of Lehal Kalan. After registration of case, no. be informed. Special reports be issued. I am busy in recording the statement of injured Gurmail Singh @ Babli son of Desa Singh and Harpreet Kaur who has been referred from civil Hospital Lehra. Today at Civil Hospital Sangrur 11:15 PM Sd/-ASI Malkeet Singh 589/Sgr. P.S. Lehra Dated 11.07.2023. After receiving the statement case is registered against above mentioned accused for above mentioned offence. Entry got recorded. Copy of original statement along with copy of FIR sent through PHG Mahinder Singh 48172 to ASI Malkeet Singh. Copy of FIR as special reports sent through PHG Sarbati Khan 47753 to senior offence and Illaqa Magistrate. Incharge control room Sangrur is informed."

6. Learned State counsel, on instructions from SI Ranjeet Singh, has however, not disputed that both the material witnesses, who sustained injuries at the hands of the accused party in the occurrence in question, stand examined. It has also not been disputed by the learned State counsel that there is no specific injury attributed to the petitioner in the alleged occurrence. However, it has been asserted that both these material witnesses supported the case of the prosecution during trial.

Learned State counsel, on further instructions, has not disputed the custody period of the petitioner and the stage of trial.

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

8. The petitioner has been in custody since 27.11.2023. Allegedly, two persons Chamkaur Singh and Resham Singh sustained injuries at the hands of the accused party and both of them already stand examined. Thus, there can be now no apprehension that the material witnesses could be influenced by the petitioner. It has also been conceded by the learned State counsel that the petitioner has no previous criminal antecedents.

9. In the facts and circumstances, as enumerated hereinabove, this Court 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.

10. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

October 23, 2024
rps

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