

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-46310-2023
Date of decision : 06.02.2024

Deepak Singh @ Kanda Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. Sukhmeet Singh, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.109 dated 27.03.2023, registered for the offences punishable under Sections 307, 326, 325, 323, 148, 149, 427 and 324 of IPC at Police Station City Faridkot, District Faridkot.
2. As per the contents of the FIR, it has been alleged as under:-

“Statement of Lovepreet singh @ Lovely son of Inderjit Singh son of Harbhajan Singh, resident of Gobind Nagar, Bholuwala Road, Faridkot aged about 23 years Mob. No. 62831- 62107 stated that I am resident of the above said address and I am +2 pass and I am doing the course of nursing at Dashmesh Dental Collage, Faridkot. Today at about

2024:PHHC:016128

08:15 AM my friend Jagdeep Singh son of Jagdev Singh, resident of Bholuwala Road, came on his motorcycle to take me and when I reached in the main street while sitting at the motorcycle then at the turn of the main street Sheelu son of Darshan Lal, resident of German Colony, armed with kirpan, Deepak @ Kanda, Sandeep Singh @ Vicky sons of Gurdev Singh armed with Kirpans, Gurdev Singh son of Harbhajan Singh armed with Kasiya, Sukhbir Singh @ Pinta son of Gurbinder Singh armed with Iron Khanda, Sukhdeep Singh @ Jaga son of Gurbinder Singh armed with Kasiya all residents of Gobind Nagar Bholuwala Road, Faridkot and when I tried to cross them then Sheelu abused me and signal me to stop and immediately gave a blow of kirpan which hit on. my head on the right side and then Deepak @ Kanda gave blow of his kirpan towards my head which hit on the left side of my head and in the meantime Sandeep Singh @ Vicky gave a blow of his kirpan at the back side of my head and then I fell on the earth and while I was laying down Sukhbir Singh @ Pin and others gave injuries with the respective weapons on the palm of my left hand, left wrist, on the left bicep and right hand and due to which there was fracture of my wrist and then I raised the alarm of marta marta then my father Inderjit Singh and my brother in law Lovepreet Singh son of Kulwinder Singh, resident of Street No.4, Dashmesh Nagar, came at the spot who witness the occurrence and my friend Jagdeep Singh is also eye witness and then the all of the accused while seeing the people of the nearby locality gathering ran from the spot with their respective weapons. Then my

2024:PHHC:016128

father tried to bring me to the Guru Gobind Singh Hospital then Gurdev Singh gave a blow of Kasiya which hit at the back side of the head of my father and our motorcycle was also damaged. The reasons behind this occurrence is that I am doing the study of nursing and all the accused openly threatened that they will not allow me to do job. Earlier also they had fought with me and i.e. why all of the accused in connivance with each other have given me injuries. Legal action be taken against them I have recorded my statement which is true and correct one.”

3. Counsel for the petitioner submits that the challan already stands presented and the complainant as well as victim stand partially examined and the examination has been further deferred after the prosecution filed application under Section 319 Cr.P.C. There are 14 witnesses involved and by now only 02 could be examined that too partially and since now the prosecution has moved an application under Section 319 Cr.P.C. The trial is likely to be delayed further.

4. Counsel for the complainant as well as State counsel have both opposed the bail plea submitting that there are serious allegations against the petitioner. The mode and manner in which the victim was injured shows the brutality.

5. Counsel for the petitioner joined issue thereon and submits that it is a case of brawl and not of assault and both the parties suffered injuries in the same. Investigation already stands completed.

6. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner and the fact that the trial is not likely to conclude the in the near future, the present petition

2024:PHHC:016128

is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No