



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

CRM-M-48083-2024

Date of Decision: **10.12.2024**

KARAMJIT SINGH ALIAS KAKA

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Siddharth Gupta, Advocate,
for the petitioner

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.42 dated 11.05.2024, under Sections 341, 323, 452, 506, 148 and 149 of IPC, 1860 (Sections 307, 325 and 324 IPC added later on), registered at Police Station Maloud, District Khanna (Annexure P-1).

2. The prosecution agency was set into motion on a statement suffered by the complainant/injured Gurcharan Singh, which became the bedrock for registration of instant FIR, against one Karamjit Singh alias Kaka (petitioner), Nirmal Singh alias Gopi, Paramjit Sing alias Ghona alias Karma and Charanjit Singh alias Channi, and other two unknown persons. The relevant extract of the statement is extracted hereinabove:-

“Stated that I am resident of aforesaid address and doing labour work. On 08.05.2024 at about 11.30 PM some persons started banging gates of the houses of mine and my nephew Karamjit Singh son of Bhajan Singh resident of Timberwal from outside. Then I came out and saw that Gopi son of Daulat Singh having iron gandasi in his hand, Ghon @ Karma s/o Daulat Singh having iron dah in his hand, Kaka S/o Daulat Singh having baseball in his hand, Channi s/o Daulat Singh having iron dah in his hand, all residents of Timberwal alongwith unknown young man having stick in his hand and they were standing in the street and breaking the doors of the house of my nephew Karamjit Singh aforesaid. And knocking the doors loudly and were raising lakara's with threats to kill us while abusing us. My nephew Karamjit Singh out of fear came to the terrace of my house through his terrace as both the terrace of our houses are adjoining. Then they all the aforesaid persons alongwith their weapons came to my terrace through their terrace. When my nephew aforesaid Karamjit Singh started to come downstairs to my house then the aforesaid persons surrounded him at the terrace. In the meantime my nephew Gurjit Singh who is brother of Karamjit Singh came to my house. Then Gurjit Singh and my son Sukhvir Singh at once went upstairs to the terrace of my house to save Karamjit Singh. I was going upstairs then I saw that Gopi gave a gandasi blow on the back side of the head of my nephew Karamjit Singh. Then Channi gave an iron dah blow on the head of Karamjit Singh which hit on the right side of the head and Kaka gave a baseball blow on the head of the Karamjit Singh which hit on his forehead and due to which Karamjit Singh became unconscious and fell down on the terrace. The blood. was oozing out of his head. In the meantime Ghan @ Karma gave an iron dah blow on the head of my nephew Gurjit Singh which hit on his left ear and left side of the head. Due to which Gurjit Singh became unconscious and fell down. Then two unknown persons gave stick blows to my son Sukhvir Singh on his head and other body parts time and again. When I reached at the terrace while raising noise for saving them then Kaka gave a baseball blow on my head which hit on the left side of the head and when Kaka again tried to gave a second blow of the baseball then I raised my right hand in front to save myself and the baseball hit on the thumb of my right hand. I fell down on the terrace and Kaka a blow of gave baseball on my left foot. On raising our noise and seeing the gathering of the people in fear the aforesaid attackers ran away from the spot alongwith their weapons while giving threats to kill us. Then our family members took me and Karamjit Singh, Gurjit Singh, Sukhvir Singh to the CHC Maloud for treatment by arranging the vehicle. Karamjit Singh, Gurjit Singh and Sukhvir Singh were referred to CHC Ludhiana who are now under treatment at Govt. College and Hospital Sector 32, Chandigarh. I am under treatment at CHC Maloud only. The reason of enmity is that there is a dispute going on with our neighbour Gopi. With regard to the same a panchayati compromise has also been effected between us. Due to this enmity the aforesaid attackers in connivance entered into our home with weapons and inflicted injuries upon us by attacking us. The appropriate legal action be taken against them.....”

3. The above extract of statement of the complainant reflects the allegation against the petitioner, that the present petitioner gave

baseball bat blow on the forehead of Karamjit Singh and he became unconscious.

4. Thereafter, on dated 12.05.2024, the complainant Gurcharan Singh, got recorded his supplementary statement, to the effect that his nephew-Karamjit Singh, is still unconscious due to the injuries inflicted by the accused persons. He further made improvement in his statement that on account of him being injured, on that day, in fact Karamjit Singh alias Kaka (present petitioner), was armed with iron danda instead of baseball bat.

5. In the instant case, three persons suffered injuries from the complainant side. The details of injuries is extracted hereinafter from the reply of the State:-

“(i) That as per MLR no.GMCH/MLR/MS/2024/70 dated 24-06-2024 of Karamjit Singh, he suffered 1 injury which was grievous in nature. Copy of MLR of Karamjit Singh is Annexure R1.

(ii) That as per MLR no.GUR/57/2024 dated 09-05-2024 of injured Gurcharan Singh he suffered 3 injuries with blunt weapon. The injuries were kept for surgery opinion. Copy of MLR of Gurcharan Singh is Annexure R2.

(iii) That as per MLR no.GUR/58/2024 dated 12-05-2024 of injured Gurjeet Singh, he suffered 2 injuries. Injury no.1 was inflicted with Sharp weapon and injury No. 2 was inflicted with blunt weapon. Injury no.1 was Simple and injury no.2 was kept for radiological investigations. Copy of MLR of Gurjeet Singh is Annexure R3.

(iv) That as per MLR no.GUR/59/2024 dated 12-05-2024 of injured Sukhvir Singh, he suffered 2 injuries with blunt weapon. Nature of the injuries was kept to be declared after receiving radiological investigations.”

6. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, submits that it is a case of version and cross-version. He further submits that as per MLR dated 09.05.2024, the petitioner-Karamjit Singh alias Kala, suffered total six injuries. Injuries

no. 1, 3, 5 and 6 were kept under observation, and injuries no.2 and 4 were declared simple in nature. Injury no.1 was declared sharp, injury no.2 and 3 were declared pointed, and injury no.4, 5 and 6 were declared as blunt in nature.

7. On dated 12.09.2024, opinion of the doctor concerned, was obtained regarding injury no.1, as suffered by the present petitioner, which was declared grievous in nature, and therefore, Section 326 IPC, was added on 12.09.2024, in DDR No.3.

8. He further submits that though the injured-Karamjit Singh, was earlier unconscious, but has now recovered from the injuries, as allegedly attributed to the present petitioner, and other co-accused. For that he draws attention of this Court towards the reply filed by the State, wherethrough, the opinion of the doctor regarding fitness of the injured Karamjit Singh was obtained on 19.11.2024. The relevant extract reads as under:-

“Patient was presented before the board on 19-11-24 and was advised CT Head and Face after doing Physical/Medical examination of the patient.

O/E:- Patient walked into the room unaided. Patient is calm, conscious and cooperative and well oriented to time, place and person. Moderate built and nourished. B.P 130/80, Afebrile, chest B/L clear. GCS 15/15.

Local examination: Old scar mark present over right temporo parietal region of scalp.

CT scan head and face (No. SAN/CT/912/CH/LDH/24 dated 19-11-2024) done by Dr. Sandeep Sohi reveals old fracture of left pterygoid plate with undisplaced fracture right parietal bone extending to involve squamous and mastoid portion of right temporal bone. Left mastoid bone and right pterygoid plates are Normal.”

9. He also submits that the injured-Karamjit Singh, suffered only one injury, whereas, as per the allegations in the FIR, three different

persons gave injury on his head, therefore, it is a debatable issue, whether, the petitioner had infact caused injury to the injured-Karamjit Singh or not.

10. He in addition, submits that the petitioner has suffered incarceration of more than 6 months, as on today, but the trial is yet to commence.

11. Finally, he stress upon to the fact that the petitioner is a man of clean antecedents, and his further incarceration is totally unwarranted.

12. *Per contra*, the learned State counsel, has vociferously opposed the asked for relief to the present petitioner, and submits that the present petitioner being a member of the unlawful assembly, entered into house of the complainant, and chased the injured-Karamjit Singh, when he was running to save himself in the nearest house, then the petitioner and other co-accused inflicted injuries to Karamjit Singh.

13. Though, learned State counsel, fairly admits that now the condition of the injured Karamjit Singh is stable, however, in view of the gravity of the offence, he prays for dismissal of the instant petition.

14. He has filed a custody certificate *qua* the petitioner today in court, which is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 06 months and 25 days, as on today.

15. He, on instructions, imparted to him by the police official concerned, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on dated

22.07.2024, wherein, the prosecution has cited total 18 witnesses, and till date, the charges have yet not been framed.

16. This Court has considered the rival submissions made by learned counsel for the parties concerned, and has gone through the entire case file.

17. Be that as it may be, considering the fact, that, **(i) the petitioner has suffered incarceration of 06 months and 25 days, as on today; (ii) now the injured has recovered from the injuries, which reflects from report of the medical board (Annexure R-4), as observed above; (iii) the petitioner has clean antecedents; (iv) the trial is yet to begun as charges have not been framed; (v) trial is not likely to conclude anytime soon; (vi) no fruitful purpose would be served by keeping the petitioner behind the bars**, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

18. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.

19. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein,

the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

20. All pending application(s), if any, also stand **disposed** of accordingly.

December 10, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No