

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212 CRM-M-49871-2024
Date of decision: 18th October, 2024

Gurwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gursharan Singh, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.
Mr. Kushagra Mahajan, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 84 dated 22.07.2024 registered under Sections 118(2), 118(1), 117(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Bhindi Saidan, District Amritsar Rural.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Tarlochan Singh on 22.07.2024 alleging therein that on 12.07.2024, he was going towards his agricultural



land and when he reached there, he was intercepted by the present petitioner and co-accused Sukhwinder Singh, Amritpal Singh and Joginder Singh, all of whom were armed with weapons. Accused Sukhwinder Singh made an extortion to teach a lesson to the complainant for stopping him to take possession of the land purchased by him and then the present petitioner had opened an attack upon him with a *datar* thereby hitting on his head, whereas, the co-accused also caused injuries to him. On hearing rescue alarm raised by the petitioner, other persons were attracted at the spot and on seeing them, the assailants fled away. He further alleged that he had been taken to hospital and was operated upon. After registration of FIR, investigation proceedings were initiated. A cross-case was registered against the members of the complainant party on the basis of statement recorded by the petitioner vide DDR No. 30 dated 28.07.2024 as the petitioner had also sustained injuries in the incident. The present petitioner was arrested on 29.07.2024. Investigation is still going on.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. It is a case of version and cross-version. He had sustained several injuries in the occurrence. The cross case has been registered against the members of complainant party. The co-accused Amritpal has been extended benefit of anticipatory bail. On parity, he too deserves to be released on bail. The grievous injuries on the person of the complainant had not been attributed to him but to the co-accused Sukhwinder Singh. Conclusion of the



trial is likely to take time. Therefore, it is urged that he deserves to be released on regular bail.

4. Mr. Kushagra Mahajan, Advocate has put in appearance on behalf of the complainant and has filed his memo of appearance.

5. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner as the victim sustained simple as well as grievous injuries in the incident. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner along with co-accused is alleged to have assaulted the complainant and caused simple as well as grievous injuries to him. However, the injury which has been alleged to have been caused by him on the person of the complainant is opined to be simple in nature. The petitioner is in custody since 29.07.2024. His custodial interrogation is no more required. Investigation and trial are likely to take time as some of the accused are yet to be arrested. It is well settled proposition of law that the bail is the rule and the jail is an exception. Keeping in view the above discussed facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing

personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/
Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application,
if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |