



323 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50328-2024

Date of Decision: 10.12.2024

Gurpiyar Singh @ Gurpiar Singh @ Guri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajinder Singh Basra, Advocate
for the petitioner.

Mr. Rubal Pawar, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 483 of BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.182 dated 28.08.2023 (Annexure P-1) under Sections 307/459/326/324/457/380/427/506/120-B/148 & 149 of IPC, 1860 registered at Police Station City Rampura, District Bathinda.

2. In deference to the directions issued by this Court vide order dated 5.11.2024, compliance report dated 20.11.2024 has been sent by the learned trial Court concerned, the same is taken on record.

3. The instant case was registered on the statement made by the complainant namely Hardwinder Singh @ Kindu. The relevant extract of the same reads as under:-

“That on 26.08.2023, at about 8.00 PM, one person namely Motu son of Barku vandalized the outer gate of his house and abused him. Thereafter, on 27.08.2023, at about 1.30 AM, in the dead of the night, a group of 10 to 12 persons armed with weapons mounted an attack on him in his house causing injuries on his person. Out of

which Gurlal Singh armed with gandasas, Gurpreet Singh armed with Kirpan, Motu armed with Khanda, Guri armed with Kirpan (present petitioner), Nihang Talwali armed with Kirpan, Noni armed with Gandasa along with 7-8 unknown persons entered his house. The group also comprised female members namely Rimpal Kaur, Veerpal Kaur, Taljinder Kaur and daughter of Barku. They entered in his house and he identified them in electric light. Then Gurlal Singh raised a lalkara to teach a lesson to the complainant and then all the above said persons caused injuries on his person. Gurlal Singh gave a blow of Gandasi which hit on the head of complainant. Then Gurpreet Singh @ Billa gave a blow of Kirpan which also hit in his head. Motu gave a blow of Khanda which hit on his left shoulder and then Guri Mehraj (present petitioner) gave a blow of Kirpan which hit on his right forearm. Nihang/unknown person gave a blow of Kirpan upon him which hit on his right forearm. Thereafter, Noni gave a blow of Gandasa which hit on his left hand and then Gurpreet Singh Billa gave a blow of Kirpan upon him which hit on his left knee and Gurlal Singh again gave a blow of Gandasa which hit on his right leg. He raised alarm and fell on the ground. When his brother Sandeep Singh came there, all the accused also caused injuries on his person. The accused persons also vandalized his house. Gurlal, Gurpreet Singh, Guri Singh and Motu entered into the room and committed theft of earrings of his wife, his ring and wallet.”

4. On perusal of the above, it reflects that the petitioner in the midnight of 27.08.2023, had trespassed into the house of the complainant in connivance with other co-accused, and further inflicted serious injuries on the person of the complainant with intent to kill him, and also caused injuries to the brother of complainant. The petitioner was armed with Kirpan at the time of the occurrence. **As per allegations in the FIR (supra), the petitioner gave a blow of Kirpan on the complainant, which hit the complainant on the right arm. The injury is reflected as injury No.4 in the MLR and as per the MLR, the said injury was subsequently declared simple in nature.**

5. The learned counsel for the petitioner is asking for the relief

(supra) submits that the petitioner has suffered incarceration of about 6 months and is a man of clean antecedents. He further submits that the injury attributed to the present petitioner is simple in nature, therefore, the petitioner has suffered sufficient period of incarceration.

6. Per contra, the learned State counsel after having instructions from the official concerned submits that in the instant case, the investigation has already been completed *qua* the petitioner and the final report and the supplementary charge-sheet were filed before the learned trial Court concerned on dated 20.09.2024, and the charges have been framed on dated 04.12.2024. The prosecution has cited total 33 witnesses in the final report, whereas, none of them has been examined so far.

7. Be that as it may, considering the fact that the petitioner has suffered incarceration about 05 months and 25 days as on date and the injury attributed to the petitioner is simple in nature, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioners. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

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

10.12.2024
ajay-1/Parveen kumar

(KULDEEP TIWARI)
JUDGE

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