



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M No.55127 of 2022
Date of decision: August 9th, 2024
Ravinder Singh alias KaliPetitioner
Versus

State of PunjabRespondent

2. CRM-M No.473 of 2023
Lakhwinder Singh alias BaggoPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankit Kharbanda, Advocate
for the petitioners.
Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail to the petitioners, as they arise out of same FIR i.e. FIR No.243 dated 25.09.2021 under Sections 307, 323, 324, 148 and 149 (Sections 326 added and Section 325 deleted later on) of the IPC registered at Police Station Kamboj, Amritsar Rural.

2. Learned counsel for the petitioners submits that there is a delay of two days in the lodging of the FIR from the date of occurrence, which clearly indicates that a false and fabricated case has been planted upon the petitioners. It has been further submitted that since material witnesses stand examined, further incarceration of the petitioners would

serve no useful purpose as 22 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1 and which stands reproduced hereinunder:-

“Statement of Lal Singh/son of Mukhtar Singh resident of Wadala Bhitewadh aged about 39 years Mobile Number 9855144791 Stated that I am the resident of the above-said address and do labour work That on date 23-09-2021 time was around 7:31 PM evening that after serving at Gurudwara Bhai Puro Ji Sahib me and my brother Sukha Singh son of Mukhtar Singh, maternal uncle Jasbir Singh son of Mangal Singh, nephew Jagroop Singh son of Sukhdev Singh and Rajwinder Singh alias Sadu son of Sukhdev Singh residents of Wadala Bhitewadh was coming back that on entering the village when we reached near the house of Khajan Singh son of Hazara Singh that Lakhwinder Singh Baggio son of Khajan Singh armed with Datar, Roshi son of Khajan Singh armed with Kirpan, Shera son of Sanman Halwai armed with Kirch, Khajan Singh son of Hazara Singh armed with Daang, Krishan son of Dyal armed with Khanda, Ravinder Singh alias Kali son of Khajan Singh armed with Datar, Ram Singh son of Dyal Singh armed with Kirch, Baldev Singh alias Babbu son of Mukhtiar Singh armed with Kirch, Jagpreet Singh alias Jaggu son of Mukhtiar Singh armed with Datar, Lovepreet Singh son of Harjinder Singh armed with Kirpan, Harjinder Singh son of Gurnam Singh armed with Datar and Gurpreet Singh son of Sukha Singh empty handed residents of Village Wadala Bhitewadh were already standing ready in the street and on seeing us Gurpreet Singh son of Sukha Singh above-said loudly exhorted

lalkara that lesson should be taught for fighting with us and meanwhile Lakhwinder Singh Babbu gave the blow of Datar which he was carrying in his hand upon me which landed upon my left elbow In order to myself I raised my left arm then from the front Roshi above-said gave the blow of his Kirpan which landed upon my left wrist On seeing Khajan Singh gave the blow of his Sota upon me which landed upon the fingers of my left hand In the meantime my brother Sukha Singh came forward then Shera above-said gave the blow of his Kirpan upon Sukha Singh which landed upon the right arm of Sukha Singh then Krishan above- said gave the blow of his Khanda upon Sukha which landed upon his right elbow then Ravinder Singh Kali above-said gave the blow of his Datar upon Sukha Singh which landed in the middle of his head then Ram Singh above-said again gave the blow of his Kirch to Sukha Singh which landed upon the bicep of his left arm Then in the meantime my maternal uncle Jasbir Singh came forward to get us released then Baldev Singh Babbu above-said gave the blow of his Kirch which landed upon the wrist of the left hand of my maternal uncle Jasbir Singh then Jagpreet Singh alias Jaggu above-said gave the blow of Datar which he was carrying in his hand landed upon the right side of head of my maternal uncle Jasbir Singh Then Khajan Singh gave the blow of his Dang which he was carrying in his hand upon my maternal uncle which landed upon his right shoulder Then Lovepreet Singh above-said gave the blow of his Kirpan which he was carrying in his hand upon my maternal uncle which landed upon the wrist of his right arm Then Harjinder Singh above-said gave the blow of his Datar upon my maternal uncle which landed upon the left side of his neck Then Lovepreet Singh above-said gave the blow of his Kirpan upon my maternal uncle which landed upon his right thumb Then in the meantime Shera above-said gave the blow of his Kirch which he was carrying in his hand upon my nephew Jagroop Singh above-said which landed upon the left elbow of my

nephew Jagroop Singh Then Lakhwinder Singh above-said gave the blow of his Datar which he was carrying in his hand upon my nephew which landed upon the joint of his right thumb In between again standing nearby Rajwinder Singh alias Sadu came to pick us being fallen then Lakhwinder Singh alias Baggo with an intention to kill gave the blow of his Datar which he was carrying in his hand with his both hands upon the head with great force which landed upon the left side of the head of Rajwinder Singh alias So above-said which Rajwinder Singh above-said fell on the spot We all raised alarm Maar Ditta Maar Ditta then the son of my maternal uncle Sukhdev Singh came upon the spot who has seen the entire spot People from the village started to gather Then on seeing the people from the village gathering above-said accused fled from the spot along with their respective weapons. Legal action be taken.”

4. Learned State counsel has submitted that no doubt, there is a delay of two days in the lodging of the FIR, however, it is matter of record that all the injured witnesses were removed to the hospital immediately after the occurrence in question, without any delay, and were subjected to medical examination; as many as four persons including the complainant sustained grievous and serious injuries on their person including a head injury, which by no stretch of imagination can be said to be or self-inflicted. It has also been brought to the notice of this Court by the learned State counsel, on instructions, that the allegations levelled in the FIR find due corroboration with the medical evidence. Hence, there is no question of the petitioners being falsely implicated in the present case.

5. On a pointed query put to the learned State counsel as to whether the injured witnesses have been examined, he, on instructions,

has replied in the affirmative and has further submitted that all the three injured witnesses while stepping into the witness box had stood their ground and deposed as per the prosecution version. A prayer has, therefore, been made by the learned State counsel for dismissal of the present petition.

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

7. No doubt, as many as 22 prosecution witnesses remain to be examined, however, as per instructions received by learned State counsel, all the material witnesses have been examined and now only formal witnesses, are to be examined. Hence, trial would not take much time to conclude. Furthermore, *prima facie*, it does appear to be a premeditated attack launched by the accused party, including the petitioners, who were all armed with lethal weapons, with which they inflicted a number of injuries, on as many as four persons. This Court, therefore, in the aforementioned facts and circumstances, does not deem it fit to extend the concession of bail to the petitioner.

8. The instant petitions are dismissed.

9. 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.

August 9th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No