

(227)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55729-2023
Date of Decision: 10.01.2024

SANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Inderjit Singh Chawla, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.003 dated 06.01.2023 registered under Sections 307, 323, 34 IPC, 1850 at Police Station Sadar Jalalabad, District Fazilka.

2. The present FIR came to be registered at the instance of Sukhdev Singh son of Paramjit Singh and the same reads as under:-

“Statement of Sukhdev Singh son of Paramjit Singh resident of Bhamba Wattu Hithar, Police Station Sadar Jalalabad aged about 19 Years Mobile No.9464454661, stated that I am resident of abovesaid address and doing work of agriculture. My father has one brother of which my father is elder and Lakhmir Singh is younger brother who is my uncle and we live separately. We have common tubewell in the agriculture land outside our house and we use the said motor connection day wise turn to turn. On 21.05.2022, I had gone to plant water in my field from the said motor

tubewell and was watering the crops. That around 9:00 AM my mother Sheelo Bai also came out in the field and in the meantime, Sandeep Singh armed with Kapa son of Lakhmir Singh, Lakhmir Singh armed with Dang son of Bahal Singh, Lachmi Bai wife of Lakhmir Singh, Amandeep Kaur daughter of Lakhmir Singh residents of Dhani Bhamba Wattu Hithar also came and abovesaid Lakhmir Singh said that today is our turn to plant water from motor tubewell and we have to irrigate our fields and I said that I have planted the water according to my turn then abovesaid Lakhmir Singh raised the Lalkara that catch hold of him and lets teach him lesson of forcefully using the tubewell water out of turn. Then Lakhmir Singh Lachmi Bai and Amandeep Kaur caught hold of me from my arms and Sandeep Singh had hit me from the backside of Kapa at my head which hit me in the middle of my forehead and a lot of blood oozed out of my forehead and I fell down, my mother came in front to save me, then they also pushed her and threw her on the field, I raise hue and cry and in the meantime, neighbours gathered, and on seeing them all these have ran away alongwith their weapons. After coming to know my father came on the spot, who arranged the vehicle and a boy from our village Harpreet Singh accompanied him and got me admitted in Civil Hospital, Jalalabad, where doctor had given me first aid and due to multiple injuries referred me to Guru Gobind Singh Medical College, Faridkot where I am under treatment. Till date, we were under the talks of compromise but all in vain, today, I in front of my father gave you statement for further action. Statement is written, heard and same is correct. SD/- Sukhdev Singh above confirmed by SD/- Paramjit Singh verified by SD/- Balkar Singh ASI 1/C PP Ghubaya dated 06.01.2023.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, it is a case of version and cross-version emanating out of a family dispute. The alleged occurrence took place on 21.05.2022 whereas the FIR came to be registered only on 06.01.2023. This delay was fatal to the prosecution case. The injured-Sukhdev Singh was discharged from the hospital and is able to carry out his usual activities as is evident from the medical report submitted by the Guru Gobind Singh Medical College & Hospital, Faridkot. As the petitioner was in custody since 17.03.2023 but none of the 17 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the further incarceration of the petitioner was not required.

4. The learned State counsel and the counsel for the complainant on the other hand, contend that the petitioner was the main accused having caused the injury attracting Section 307 IPC on the person of Sukhdev Singh. Therefore, he was not entitled to the concession of bail. They, however, concede that the petitioner was a first-time offender, in custody since 17.03.2023, none of the 17 of the prosecution witnesses had been examined so far and that it is a case of version and cross-version.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 17.03.2023 and none of the 17 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded

anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sandeep Singh son of Lakhmir Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

10.01.2024

JITESH

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