

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65289-2023
Date of Decision: 24.01.2024

Harcharan Singh	vs.	...Petitioner
State of Punjab		...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. S.S.Sidhu, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Inderjit Singh, Advocate, for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.110 dated 25.08.2023 registered under Sections 308, 323, 34 of IPC, (offence under Section 302 IPC has been enhanced later on) at Police Station Vairo Ke, District Fazilka.

2. Learned counsel for the petitioner contends that the only role attributed to the present petitioner is that he had allegedly caused an injury with a kirpan on the head of Dilbag Singh, complainant/injured. While referring to the MLR (Annexure P-3), he contends that injuries No.1 and 3 were allegedly caused by him on the person of Dilbag Singh, however, both injuries have been declared to be simple in nature. Learned counsel further contends that the occurrence in the present case had taken place at the spur of the moment due to a trivial dispute over the turn of water course in the fields. Learned counsel further contends that in the present case, the occurrence had taken place on 25.08.2023 and Jugraj Singh, injured was discharged on 04.09.2023. His

statement was recorded by the police under Section 161 Cr.P.C. on 06.09.2023. However, at home, he developed some medical complications and was re-admitted in the hospital on 12.09.2023 and unfortunately, he expired on 19.09.2023. Learned counsel further contends that the ingredients of the offence under Section 302 IPC would be debatable in the peculiar facts and circumstances of the instant case.

3. On the other hand, learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had caused serious injuries on the person of Dilbag Singh and had come at the place of occurrence in the car of Paramjit Singh, principal accused. Learned counsel further contends that the petitioner had actively participated in the commission of crime and does not deserve the concession of bail by this Court.

4. I have given anxious considerations to the rival submissions made by learned counsel for the parties and perused the record.

5. It is evident from the perusal of the MLR (Annexure P-3) that injuries No.1 and 3 were attributed to the present petitioner and both the injuries have been declared to be simple in nature. Apart from that, it is a case of version and cross version and the question of aggressor is yet to be adjudicated by the trial Court. Moreover, the petitioner is in custody since 26.08.2023 and no injury to the deceased has been attributed to him. The final report under Section 173 Cr.P.C. has already been presented against the present petitioner and no purpose would be served by keeping him in confined in jail.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

24.01.2024
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(N.S.SHEKHAWAT)
JUDGE

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