

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-65016-2023

Date of Decision:-09.01.2024

Buta Singh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rakesh Nagpal, Advocate for the Petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.241 dated 01.09.2023 under Sections 148, 149, 323, 324 and 506 IPC and Section 326 IPC added later on registered at Police Station Sadar Rattia, District Fatehabad.

2. The present FIR came to be registered at the instance of Laxman Singh which reads as under:-

“ Statement of Laxman Singh son of Nihal Singh, son of Bahadur Singh, Resident of Lamba Dhani, aged 58 years, has stated that I am a resident of the above address and work as a farmer. On 20.08.2023, at around 9.00 pm, I Bhajan Singh son of Tehla Singh, lqbal Singh son of Buta Singh and Jashan Singh son of Bhajan Singh were standing in front of the house of lqbal Singh on the same day riding on two motor cycles and a Bolero vehicle, Lakhbir Singh alias Kheeru, Jagjit Singh alias Kala son of Gurlal Singh resident of Tibba Dhani Lamba, Gurlal Singh, Buta Singh son of Niranjana Singh. Sandeep Singh @ Sipa son of

Balbant Singh, Gursevak Singh son of Kala Singh, Lakha Singh son of Tarserm Singh, Balwant Singh son of Mahender Singh, Naini Khan son of Binder Khan, Batla Singh son of Bhola Singh, Mani Singh son of Jagtar Singh residents of Karandi and 10-15 other men came with the intention of fighting, having iron rods, swords, sharp weapons and sticks in their hands. As soon as they came all of them suddenly attacked upon all four of us, and Buta Singh gave iron rod blow on right arm and Gurlal Singh hit Bhajan with the sword having in his hand and he raised his hand which hit on fingers of his right hand. Then Kuldeep Singh gave sword blow to Igbal on his hand. Then Gursevak Singh gave rod blow on the back of me and thereafter Lakha Singh gave rod blow on left side of my waist and Balwant Singh gave rod blow on his left hand. Sandeep @ Sipa gave injury on neck of Jashan Singh with the stick and Jagjit Singh Kala gave rod blow on the hand of Jashan Singh Thereafter Soni Khan son of Pala Khan gave rod blow the shoulder of Bhajan Singh and then in self defense we also hit them. Then hearing the noise of the fight people from the village and the and neighborhood gathered and my son Sandeep Singh called the police on number 112. As soon as they saw the police on the spot, all the accused ran away with their weapons and while leaving they said that the police has come today and if we meet them again, we will kill you Strict legal action will be taken against the above said accused persons who has caused us injuries. The main reason for this rivalry is that we had a fight with him (Gurlal Singh Baigra) many days ago in which Panchayat has decided the matter Because of that rivalry they have caused us injuries, due to being neigh borers, I did not record my statement so that it may be settled in Panchayat. But the above said accused persons are still threatens us. Now I have given you my statement in writing, read it, heard it, understood it and the same is correct Sd/- Lachhman Singh Attested Nirmal Singh Police Station Ratia dated 01.09.2023.”

simple injury has been attributed to the petitioner. The injury attracting Section 326 IPC has been attributed to co-accused Gurlal Singh on the fingers of the right hand of Bhajan Singh. The co-accused of the petitioner namely Manpreet Singh @ Mani, Gurseb Singh, Harpreet Khan, Soni Khan, Birbal and Jagjeet Singh @ Kala have been granted the concession of anticipatory bail vide orders Annexure P-3 & P-4. As the petitioner was in custody since 01.11.2023 he was entitled to the concession of bail, moreso as the present case was one of version and cross version.

4. The Counsel for the State on the other hand contends that the petitioner and his co-accused caused multiple injuries on the person of the injured. Therefore, he was not entitled to the concession of bail. He however, concedes that the injury attributed to the petitioner is simple one, that the case was one of the version and cross version and that the petitioner is in custody since 01.11.2023.

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 in custody since 01.11.2023 and it is a case of version and cross version. In this situation his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Buta Singh** son of Sh. Niranjana 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

cases mentioned in this order.

9. If the petitioner or any of 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 Court.
10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- 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 trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

January 09, 2024

Vinay

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