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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-543-2024
Date of decision : 15.01.2024

Balwinder Kumar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.P.S. Pathania, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab
with ASI Munish Kumar.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.0066 dated 22.11.2023, registered for the offences punishable under Sections 341, 323, 325, 379-B(2), 148 and 149 of IPC, 1860 at Police Station Narot Jaimal Singh, District Pathankot.

2. As per the contents of the FIR, it has been alleged as under:-

“Statement Navjot Singh S/O Sohan Singh Resident of Jaipalpur Police Station Narot Jaimal Singh Age About 21 Years, stated that I am a resident of the said address and working as farmer. That I, met Lovedeep Singh S/O Surjit Singh Resident of Village Jaidpur whose dhaba is at Maghwal turning on date 12.10.23 at around 12-to-1 O 'clock when I got a call from Lovedeep Singh that I have to talk about something important, I

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came to his dhaba along with my motorcycle, with my friend Kuldeep Kumar S/O Vijay Kumar resident of Bhopalpur and we sat there for some time. Well, when we begin to return, Lavdeep Singh told me that go through the village Jhadoli road, there is blockade of DSP Sahib on Maghwal turning, while we were returning to the village through the Jhadoli, when we reached to a turning after crossing Jhadoli village then it was around 2:30 O'clock Lovedeep singh having Dattar (Sickle) in his hand, Suraj resident of Simbal having Danda (Stick) in his hand and other unknown 5 to 7 people whom I can recognise/identify if they come in front of me, having Musalla, danda & sotta, they stopped my motorcycle. An unknown person cheekily said that they have beaten our relatives, they shouldn't escape today, then Lavdeep Singh hit me with the butt of his hand-held dagger (dattar), to safeguard me I have extended my left hand forward, then the dattar hit my left arm and the left arm was broken. Then Suraj took away the golden chain by snatching it away from my neck due to which the left side of the neck got severely bruised then Lavdeep said to snatch away the mobile phone from us so that we should not call police then 02 unknown persons has snatched away our mobile phone of OPPO make having sim no. 88782055643, then these people have beaten me and my friend severely and then we have shouted that "we are killed" "killed". Then they alongwith their own weapon, with the snatched gold chain and the snatched mobile phone ran away from the spot of the incident. My friend started the motorcycle and brought me and got admitted to the civil hospital

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Narot Jaimal Singh, where the doctor has treated me and the respected personality of the society tried to pacify the agreement between us, which does not result and did not work out. The reason behind the revenge is that, some time ago, Suraj had abused my relative and I had informed and complained about this at Suraj's house. Today I was coming along with my father Sohan Singh to take the medical results and X-ray report, so you met me, it is requested to take legal action against the aforesaid accused accordingly. The statement has been written down and read and heard. It is correct. Sd/-Navjot Singh.”

3. Counsel for the petitioner while referring to the allegation submits that the only allegation qua the petitioner is of being present on the spot with danda which stands recovered. So far as the allegation of snatching is concerned, the same is against co-accused Suraj and the allegation with respect to causing injury by datar is on co-accused Lovedeep Singh.

4. Counsel for the petitioner further relies upon order dated 21.12.2023 passed in *CRM-M-64308-2023* wherein Jagdeep Singh has been granted interim protection in pre-arrest bail. Petitioner is behind bars for more than 01 year and 20 days.

5. Counsel for the State however opposes the bail plea on the ground that the petitioner is a habitual offender and is involved in 03 more cases of similar nature. However, it is not disputed by him that the petitioner has earned bails in those matters as well.

6. Keeping in view the aforesid fact, the present petition is allowed. Petitioner is ordered to be released on regular bail on his

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furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

15.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No