



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

232.

CRM-M-921-2025

Date of decision: 08.05.2025

Gurpyar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

249.

CRM-M-22077-2025

Date of decision: 08.05.2025

Rinku Singh alias Lalu Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kamaldeep S. Sidhu, Advocate
for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.106 dated 18.09.2024 under Sections 109, 118, 118(2), 115(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Moonak, District Sangrur.

2. Learned counsel for the petitioners submits that a false and exaggerated version has been brought forth in the FIR in question with respect to the roles played by both the petitioners in the occurrence in question. It has been submitted that no doubt the petitioners have been



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named in the FIR in question, however, the only role attributed to petitioner Gurpyar Singh is of having held the injured-complainant Lakhwinder Singh from his arms while co-accused inflicted injuries on his person. Learned counsel has submitted that as far as petitioner Rinku Singh is concerned, he was alleged to be armed with a *kahi*, however, the injuries attributed to petitioner Rinku Singh were opined to be blunt injuries on non-vital parts of the body of the complainant. It has been submitted that it is co-accused Dalel Singh who has been attributed injuries with a *gandasi* on the head of injured Lakhwinder Singh which were opined to be grievous in nature. Learned counsel has submitted that investigation in the present case is complete and even charges stand framed, however, it is a matter of record that the injured witness/complainant Lakhwinder Singh has been continuously absenting himself before the learned Trial Court despite issuance of bailable/non-bailable warrants to secure his presence. Learned counsel submits that in the circumstances, it is evident that the trial would take considerable time to conclude, moreso when as many as 19 prosecution witnesses have been cited.

3. On a pointed query as to whether the petitioners have any criminal antecedents, learned counsel for the petitioners has categorically replied in the negative.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Malkeet Singh, has not disputed the custody period of the petitioners nor has he been able to dispute the contents of



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the zimni orders which have been annexed with the petition and also placed on record today by the learned counsel for the petitioners from where it stands reflected that the complainant for reasons best known to him, has been continuously absenting himself before the learned Trial Court to get his evidence recorded.

5. On a specific query as to whether the petitioners have any previous criminal antecedents, learned State counsel, on instructions, has replied in the negative. Learned State counsel, on further instructions, has also not disputed the submissions made by the counsel opposite that no injury has been attributed to petitioner Gurpyar Singh whereas three blunt injuries have been attributed to petitioner Rinku Singh which are on non-vital part of the body of the complainant. However, learned State counsel has reiterated the allegations levelled in the FIR which stands reproduced hereinunder:-

“Statement of Lakhwinder Singh @ Lakha son of Sadhu Singh r/o Duduian, police station Moonak, District Sangrur aged about 65 years mobile no 88725-15785, stated that I am resident of above said address and do labour work. That I along with my brother Hardev Singh and Sham Singh son of Mangat Singh resident of Duduian are members of the committee of Vishwakarma temple situated in our village and we also take care of the temple. That for the last 2/3 months ago, one person of our village namely Dalel Singh son of Sukhdev Singh resident of village Duduian started living in the Vishwakarma temple premises, that then we came to know that the above said Dalel Singh used to consume alcohol in the temple and was thereby spoiling the atmosphere of the temple so on 12.09.2024, the temple committee told him to leave the temple along with his stuff. That on 15.09.2024, at about 3:00 P.M, I along with my brother Hardev Singh and Sham Singh son of Mangat Singh resident of Duduian went to the Vishwakarma temple situated in our village, where one person of village namely Dalel Singh, Sukhdev Singh, Rinku Singh @ Lalu son of Sukhdev Singh, Gurpiar Singh



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son of Bhuriyan Singh resident of Duduian were already sitting there and then we asked Dalel Singh as to why he has still not left the place, meanwhile they all started abusing me and I tried to stop them from this, out of whom, suddenly in sudden fit of rage, Gurpiar Singh caught hold of me and meanwhile above said Dalel Singh took gandasi and hit me directly on my head with intention to kill me and because of it, I fell down on the ground. Then above said Rinku Singh grab spade from the temple premises and hit me on my stomach. That Rinku Singh hit me with the spade on my right thigh and hit me on the left side of my back. That then Hardev Singh and Sham Singh above said raised alarm, then aforesaid persons while giving me life threats, ran away from the spot along with their weapons. Then my brother Hardev Singh arranged vehicle and took me to Govt. Hospital, Moonak where doctor after giving me preliminary medical aid referred me to Govt. Hospital, Sangrur where doctor referred me to Rajindra Hospital, Patiala where I am under treatment. That reason behind enmity is that our temple committee asked Dalel Singh to leave along with his stuff from the temple and as I was member of the committee, I asked Dalel Singh as to why he has not left the place. That due to this enmity, the above said persons have beaten me. Appropriate legal action may be taken against the above said Dalel Singh, Rinku Singh @ Lalu and Gurpiyar Singh. Heard the statement and same is correct. Attested by Hardev Singh son of Sadhu Singh resident of Duduian. Attested by Malkit Singh ASI, PS Moonak. Dated 18.09.2024.”

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

7. Petitioners Gurpyar Singh and Rinku Singh have been in custody since 23.09.2024 and 21.09.2024, respectively. The possibility of the trial concluding in the near future looks remote on account of continuous absence of the complainant to depose before the learned Trial Court. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the



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petitioners.

8. Accordingly, both the petitions are allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

9. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

10. A photocopy of this order be placed on the file of other connected case.

08.05.2025

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(MANJARI NEHRU KAUL)
JUDGE

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