



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

224

CRM-M-8056-2025

Date of decision: 27th March, 2025

Hargobind Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Dhaliwal, Advocate for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

Mr. Geeteshwar Saini, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 277 dated 17.12.2023 registered under Sections 302, 323, 120-B of IPC, 1860 (Section 325 of IPC added vide DDR No. 27 dated 13.03.2024) at Police Station Lambi, District Sri Muktsar Sahib, Punjab.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Harbans Singh alleging therein that on 16.12.2023, a wedding function was being performed in the house of his uncle Kewal Singh which ended in the afternoon. A DJ (music instrument) was got installed in the street by his uncle. Even after the ceremonies were over, the petitioner and his family members, who were residing in the neighbourhood insisted for



playing DJ for dancing. They kept on dancing till 8:30 PM on the tunes of the DJ. When the complainant asked the petitioner and his family members to stop the DJ, they felt offended. All of them then connived with each other and gathered in the street while being armed with weapons and bricks etc. and then opened an assault upon the family members of the complainant including the complainant. The petitioner gave *daang* blows on the person of complainant Harbans Singh and Gurmail Singh thereby injuring calf of his leg, whereas, accused Rupinder Singh struck a blow with a brick on the head of Smt. Gurmail Kaur, mother of the complainant. The co-accused Arjan Singh threw a brick towards Paramjit Kaur causing injury on her right leg. Accused Gurpreet Singh threw brick thereby injuring Rani Kaur. The other remaining members of the family of complainant were also injured at the hands of the petitioner and co-accused. On raising alarm, assailants fled away from the spot. The injured had been taken to the hospital. The mother of the complainant succumbed to the head injuries sustained by her in the hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 16.12.2023. Investigation stands completed and trial is going on.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The injury which has been attributed to the petitioner on the person of Gurmail Singh has been opined to be simple in nature. No injury has been attributed to him on the person of the deceased or any other person. The injury alleged to be sustained by injured Gurmail Singh on the calf of his right leg was not reflected in the medico legal report. Infact, it was a case



of sudden fight between two groups and provisions of Section 120-B of IPC have not been attracted at all. Even the complainant while appearing before the trial Court as a witness, has not attributed any injury on the person of the victim to the petitioner. Trial is likely to take time. Petitioner is in custody since long. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Learned Senior Deputy Advocate General, assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner, who in connivance with the co-accused had opened an assault upon the members of the complainant party and had cause the homicidal death of the mother of the complainant. It is argued that trial might be expedited. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. As per the allegations, on the night of 16.12.2023, a quarrel had taken place between the members of both the parties in the street abutting their houses. The petitioner along with his family members is alleged to have opened attack upon them. As per the allegations, the accused Rupinder Singh had struck a blow with brick on the head of the victim i.e. the mother of the complainant and she had died due to the injuries sustained in her head. The fatal blow has not been attributed to the petitioner. . The injury sustained by Gurmail Singh is opined to be grievous in nature. The petitioner is in custody for a period of over one year. Trial is likely to take time. Keeping in view the part as attributed to the petitioner in the



commission of the subject offences, the fact that the fatal blow to the deceased was not caused by him and the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th March, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No