



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

218

CRM-M-41902-2024

Date of decision: 8th January, 2025

Nachater Singh @ Nachhattar Singh @ Nachtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Ruchika Sabherwal, Senior
Deputy Advocate General, Punjab.

Mr. T.S. Makkar, 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 had been 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 are 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 hit the calf of right leg of the Gurmail Singh with his *daang*, whereas accused Rupinder Singh struck a blow with a brick on the head of Smt. Gurmail Kaur, mother of the complainant. The other remaining members of the family of complainant were also injured. 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 ground and it is argued by his counsel that he has been falsely implicated in this case. No injury on the person of the deceased has been attributed to him. No injury had been sustained by Gurmail Singh on the calf of his right leg as per the medico legal report and this fact falsified the version of the prosecution witnesses. 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. Mr. T.P. Singh Makkar, Advocate has put in appearance on behalf of the complainant and has filed *vakalatnama*.

5. 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.

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

7. 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. Even the complainant while appearing as PW-1 has deposed that the petitioner had caused injury to Gurmail Singh and it is not his version that he had done so with any intention to commit murder of any member of the complainant party. 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.

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

[MANISHA BATRA]
JUDGE

8th January, 2025
Parveen Sharma

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