

Bhedo. After they got free from the official work, Lakwhinder and Talwinder stayed at Ambala. He started purchasing certain household articles as festival of Diwali was approaching. Around 08:30 pm, he started for his home in Banur on motorcycle (make Splendor). At about 09:00 PM, when he reached village Khedi Gurna, a person signalled him to halt, who was standing on the road. Thinking that the person might need some help, he stopped his vehicle, when suddenly the said person came near and caught hold of him. Meanwhile, a car stopped, from which five persons, who were armed with rods and kirpans alighted and rushed up to him. Though they had covered their faces, but he was able to identify them. Sandeep @ Sippi, who was armed with rod hit him (complainant) with the same on his left arm, as a result of which, the elbow of his arm broke. Rinkal who was armed with sword hit him on his chin. So as to save himself, he dragged himself and fell in the nearby ditches. Janty of Bhedo, who was armed with rod hit him with the same on his head, whereas Janty (petitioner) hit him with an iron rod on his head. He tried to save himself and the blow landed on the right front side of his head. Thereafter, Sandeep @ Sippi, who was armed with rod again hit him on his shoulder. Assailants continued threatening him with dire consequences. To his good luck, when they saw his wife and his brother-in-law approaching on motorcycle, they all sped away along with their weapon. He was picked up by his brother-in-law. Blood was profusely oozing out from his wounds. He was rushed to Gian Hospital, where he remained admitted. Complainant alleged that accused who were nursing a grudge against him, wanted to level scores with him and thus, assaulted him with a pre-mediated mind. Request was made to police officials to catch hold of the assailants as also to initiate appropriate proceedings against them.”

On the basis of the said complaint and medico-legal report, initially a case under Section 324/325/148/149 IPC was registered

(subsequently Sections 307/326 IPC were added). Petitioner-accused, who was arrested on 01.10.2024, moved an application for grant of bail before the Ld. Additional Sessions Judge, Patiala, which was dismissed in terms of the order dated 11.12.2024. Aggrieved of which, the present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Falsity of the case set up by the complainant party is apparent firstly from the fact that there has been unexplained delay of 03 days in lodging the FIR. This intervening period was misused by complainant to twist the facts to suit his convenience. Continuing further, learned counsel submits that the present FIR is nothing but a counter-blast to the earlier FIR bearing No.213 dated 03.09.2022, got registered by the petitioner against complainant party, for commission of offence punishable under Section 323/504/506 read with Section 34 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Accused in the aforesaid FIR had been pressurizing petitioner and co-accused to withdraw the case. When they (petitioner etc.) did not give in to these demands, the present criminal proceedings were initiated.

Secondly, as per learned counsel, though the alleged incident occurred on 21.10.2022, but for reasons best known, the investigating officer sought the opinion of the treating doctor as regards the number and nature of the injuries suffered by the complainant, only on 01.08.2023 i.e. after a period of 10 months. Further, in the opinion dated 07.06.2024, Dr. Lalit Gill opined all four injuries as 'Grievous'. Despite that, the investigating officer thought it appropriate to again seek an opinion from Dr. Gill on 15.06.2024, at which point in time, he opined injury Nos.1, 2 and 3 as 'Dangerous to Life'. On the basis of the said opinion, Sections 307 and 326 IPC were added. Learned

counsel submits that in the absence of any valid explanation forth coming from prosecution as to what prompted the I.O. to seek fresh opinion from the doctor, who had already expressed his views about the nature of injuries, the only inference that can be drawn at this stage is that the investigation has been totally one sided and shoddy.

Learned counsel sums up his submission by urging that since investigations qua petitioner are complete, for challan has been filed, and completion of trial is likely to take some time, lenient view be taken in his favour, who has been in custody for more than one year, as his further incarceration would not serve any useful purpose.

4. *Per contra*, learned State counsel has opposed the request for grant of bail on the ground that the petitioner, who has been specifically named in the FIR, was armed with an iron rod and had twice hit complainant with same on his (complainant's) head. Learned State counsel submits that since the treating doctor did not give any specific opinion with regard to the nature of the injury suffered on the head of the complainant, therefore, I.O. thought it appropriate to clarify the facts and thus, sought second opinion from the treating doctor, who on this occasion, opined injury Nos.1, 2 and 3 as 'Dangerous to Life'. Two of such injuries, were attributed to the present petitioner. It was, thus, prayed that if concession of the bail is granted to petitioner, there is every likelihood of him fleeing from the process of justice by not appearing in the Court and over awing complainant and related witnesses, who have not been examined till date. Further, in view of the seriousness and gravity of offence, dismissal of the petition was prayed for.

5. Both the counsel have been heard and documents on record have been perused.

6. Facts leading to lodging of the FIR have already been noticed in para 2 of the judgment. In the light of the submissions advanced by learned counsel for the petitioner, the fact that petitioner has been in custody for more than one year, and completion of trial is likely to take some time, no useful purpose would be served, lenient view is taken in favour of the petitioner by extending him the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.*
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vi) The petitioner shall not in any manner misuse his liberty.*
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.*
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

7. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

15.09.2025
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

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