



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

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CRM-M-46983-2024

Date of decision: 10.01.2025

Gurdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sahiljeet S. Sandhu, Advocate,
Ms. Ishani Goyal, Advocate and
Mr. Deepak Bishnoi, Advocate for
Mr. S.S. Swaich, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Fresh power of attorney on behalf of the petitioner, after taking NOC from the previous counsel, has been filed in the Court today which is taken on record.

2. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0285 dated 26.12.2022 under Sections 323, 324, 506, 34 of the IPC (Section 326 of the IPC added lateron) registered at Police Station Samana, District Patiala.

3. Learned counsel for the petitioner submits that it is a case of version and cross-version; the petitioner and the complainant are real brothers who are residing in adjoining houses. Although the petitioner has been attributed sword injuries on his brother i.e. the complainant,

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however, as per medical opinion grievous injury sustained by the brother of the petitioner allegedly with a sword is on his left forearm which is a non-vital part of his body. It has been asserted by the learned counsel that the petitioner has been falsely attributed an injury with a sword on the head of injured Ajaib Singh, however, even as per medical opinion, the said injury allegedly sustained by the injured was opined to be simple in nature. Learned counsel submits that the petitioner has no previous criminal antecedents and it is on account of the strained relations between the parties that a false and fabricated case has been planted upon him. Still further, it has been urged that since challan has already been presented and charges framed, further incarceration of the petitioner moreso in the light of the injuries attributed to him, would serve no useful purpose as recording of prosecution evidence has not yet commenced and would commence only on the next date of hearing i.e. 15.01.2025.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Avtar Singh, has has not disputed the stage of trial nor has he disputed the seat and nature of injuries allegedly inflicted by the petitioner. However, he has reiterated the allegations levelled in the FIR against the petitioner which stands reproduced hereinunder:-

“Entered at this time. One statement from Balwinder Singh son of late Karnail Singh R/o Badshahpur Kaleki, PS Sadar, Samana, Distt. Patiala, aged about 52 years, M.No. 98157-81693 written by ASI Jaswinder Singh 959, Patiala, PS Sadar, Samana for registration of FIR against Gurdeep Singh alias Ladi, Sukhwinder Singh, Subeg Singh sons of late Karnail Singh, Paramjit Kaur wife of Gurdeep Singh, all residents of Village Badshahpur Kaleki offence



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under Section 323,324,506,34 IPC, through PHG Gurbhej Singh 30186 received at Police Station. Matter of which is as: Stated that I am resident of address mentioned above, do agriculture work and vehicle Tufan has been engaged in PPS School Chupki. On 23-12-22, it was about 12 hrs during day time Gurdeep Singh, Sukhwinder Singh, Subeg Singh and Paramjit Kaur were quarreling outside of the house with my brother Ajaib Singh, then by hearing voice I came outside and saw, Gurdeep Singh alias Ladi was having 'Kirpan', Sukhwinder Singh was having 'iron faura', Subeg Singh was having 'Gandasi' and Paramjit Kaur wife of Gurdeep Singh was having 'wooden dang': in her hand and I saw why you are quarrelling with my brother and by going ahead said that you should make division of land and house and raise wall, on saying such words from me, Gurdeep Singh who was having kirpan in his hand attack with kirpan on my brother Ajaib Singh and it struck on his left arm and injuries were caused on his head an other parts of the body, then I came ahead to save then Gurdeep Singh alias Ladi attack on me with Kirpan, I to save myself took forward my left hand and struck on the same, then Sukhwinder Singh attacked on me with Iron Faura which he was keeping in his hand, which struck on my nose, then one more attack did on me and it struck on the shoulder on my right arm then Subeg Singh attacked on me with reverse Gandasi who was keeping in the same in his hand and it struck on my right 'purpari', then did another attack on me which struck on my left shoulder, then my 'bhabi' Paramjit Kaur attacked on me with 'dang' which she was keeping in her hands and it struck on my head and gave me beatings, hearing hue and cry my wife Jaswinder Kaur and Mandeep Kaur came to save us, they were also given beatings and while giving threats the above said persons fled away from the spot alongwith their weapons. The reason of grudge is that dispute is going on of them with us regarding the partition of land and regarding lease and on account of partition of house. They have dropped bricks to raise wall, due to this they have raised fighting and caused injuries. I called my niece Gurwinder Singh by making a phone call, who by making arrangement of vehicle got admitted us in Civil Hospital, Samana, from which due to multiple injuries to me and my brother Ajaib Singh got admitted to Rajindra Hospital and my brother Ajaib Singh was referred to PGI, Chandigarh, the other party Subeg Singh have suffered injuries from us. I have got my statement written to you, which is correct. As/- Balwinder Singh, supported by Sd/- Gurwinder Singh son of Jagtar Singh R/- Rattanheri, attested by Sd/- Jaswinder Singh ASI, PS Sadar, Samana dated 25-12-2022."



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

6. The petitioner has been in custody since 01.03.2024. The petitioner has been attributed a grievous injury on the left forearm of his brother i.e. injured Ajaib Singh whereas a simple injury has also been attributed on the head of the same injured person. The petitioner is not stated to be involved in any other criminal case. Since 33 prosecution witnesses have been cited, the trial would take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his 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.

10.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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