



CRM-M-61198-2024

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

CRM-M-61198-2024**Date of Decision:-13.02.2025****Gurjant Singh.**

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Harpal Singh, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC (now 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) is for the grant of regular bail in case FIR No.27 dated 06.03.2024 under Sections 324, 323, 341, 506, 148, 149 IPC (Section 326 added later on vide Rapat No.014 dated 08.03.2024) registered at Police Station City Patti, District Tarn Taran.

2. The present FIR came to be registered on the basis of the statement of complainant Nirvel Singh which reads as under:-

“ Statement of Jane Nirvel Singh Nambardar son of Surjan Singh son of Nand Singh resident of Lohka aged 64 years Mobile No. 981564 0466, stated that I am a resident of the said address. I am the current Namberdar of the village and I have two children. one boy and one girl. Both are married. On 04 03.2024 it was time around 4/04.30pm, I had gone to the Tehsil office Patti for my personal work, then Surjit Singh former Namberdar son of Santokh Singh. Daler Singh son of Santokh Singh son of Geja Singh and Santokh Singh son of



Geja Singh residents of Lauhka were there, who were in the O/o Tehsildar for registration of some sale deed. Surjit Singh, who is a former Namberdar, was witnessing them. then I said him that Surjit Singh, you have been suspended from the post of Namberdari in these days. Therefore, don't spoil someone's case by attesting the sale deed of some person of the village, then he said, I am not suspended. I asked him to show the proof, he did not have any prool, then having allercation with me, we came to the balcony of the Tehsildar office, then Daler Singh immediately called his village, asking to come to the Tehsildar office quickly with weapons that Nirvel Singh Namberdar have stopped our sale deed. He has to be taught a lesson. I started doing my household work at the Tehsil Office. then after about half a hour, Gurjant Singh son of Kabal Singh Armed with Datar, Kabal Singh son of Santokh Singh Armed with small Gandasi, Navkiran Singh son of Surjit Singh ex-Namberdar Armed with Datar came to the O/o Tehsildar. Upon seeing me. Daler Singh raised Lalkara that catch hold, today teach a lesson to Nirvel Namberdar for stopping our sale deed. Let him not escape today. Then Gurjant Singh son of Kabal Singh have inflicted two blows with his datar, which hit back side of my right leg below the knee. Nav Kiran Singh inflicted a datar blow on my person, which hit on my head. Kabal Singh inflicted a gandasi blow on my person, which hit on my right leg near the first injury. Surjit Singh Ex-Namberdar has inflicted a dang blow on my person by picking up from a cabin nearby. I raised my right arm for protection, then the dang hit on the elbow of right arm. Santokh Singh son of Geja Singh have hurled abuses to me. The blood was oozing from body and I raised alarm to save me, then upon seeing the people gathering there, the assailants fled away from the spot alongwith their respective weapons, while giving threats to kill. I called my home from someone's phone, then Major Singh son of Atma Singh, Tajinder Singh son of Jarnail Singh, residents of Lauhka came to me on the spot, who after arranging the conveyance got me admitted in Kairon Hospital for treatment. where I am under treatment. Our grudge is that I stopped the Ex- Namberdar Surjit Singh from spoiling the sale deed of some residents of the village, due to that all the



above stated in connivance with each other injured me. Legal action may be taken against the above stated. Statement is recorded, hears, is correct Sd/- Nirvail Singh. ”

3. The Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case . The alleged occurrence took place on 4.3.2024 at about 4/4.30 pm and the FIR was registered only on 6.3.2024 at 11.50 pm. This delay was fatal to the prosecution case. In fact, the petitioner has been named after deliberation and consultation. It was a case of version and cross version but for certain reasons, the investigating agency had not lodged the cross version. As the petitioner was in custody since 14.10.2024 but none of the 13 Pws have been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The Counsel for the State on the other hand contends that the petitioner was one of the main accused having inflicted a datar blow on the leg of the injured causing a fracture. This injury was a grievous injury attracting Section 326 IPC. During the course of the investigation it transpired that it was the petitioner party which had attacked the complainant side. He however concedes that the petitioner was in custody since 14.10.2024 but none of the 13 Pws had been examined so far.

6. I have heard learned Counsel for the parties.

7. The veracity of the prosecution case against the petitioner shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 14.10.2024 and none of the 13 prosecution witnesses have been examined so far. As the Trial of the present case is not likely to be concluded anytime soon, the further incarceration of the petitioner is not required.



7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gurjant Singh** son of Sh. Kabal Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 13, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>