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(212)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61622-2024

Date of Decision: 30.07.2025

AVTAR SINGH DEOL

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Suvir Sidhu, Advocate with
Mr. Harlove Rajput, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.343 dated 18.12.2023 registered under Sections 307/323/324/452/326/506/148/146 IPC at Police Station City Tarn Taran.

2. The present FIR came to be registered at the instance of Harjit Singh S/o Jagir Singh and the same reads as under:-

“We are two brothers and my elder brother is Baljeet Singh. We both the brothers are together in the home. We have one brick klin near Dhalake mod and along with that, one marriage palace namely GK Resort. Except from this we also indulge in selling and buying of property. We have our office near Rohi Kanda outside the Sardar Colony. My elder brother Baljeet Singh was present in Tarn Taran since morning and I was in Amritsar to attend a function in the meanwhile at around 4:00 p.m. I received a call

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from my driver Simranjit Singh alias Veeru who told me that outside our shop one white coloured car make brezza bearing registration number PB 46 AJ 7670 is standing and in the car Avatar Singh Deol along with Raghbir Singh and Pragat Singh Mistri along with one Manjit Singh and one unknown person are present. They have alighted from the car and went to the land nearby of their ownerships along with the plots there. They used to come earlier also and trouble us. Thereafter I reached my office at Ruhi Kanda within 10 minutes. On reaching the spot I saw Avatar Singh Deol armed with Iron Nepali khokhri, Ragbir Singh armed with one and half feet sword, Pargat Singh armed with iron rod and Manjeet Singh armed with Iron Datar and the unknown person armed with wooden stick. They came outside my office and Avtar Singh raised a lalkar and said that today let us teach a lesson to Baljeet Singh and his partners for illegally possessing the land and today, we will kill them. Immediately thereafter, Raghbir Singh with the one and half feet sword in his hand gave a blow with the intention to kill on my brother Baljeet Singh who was standing outside the shop which hit Baljeet Singh on his head and thereafter blood started oozing from his head and thereafter, Avtar Singh Deol with the intention to kill my brother gave an iron khokhari blow which hit in the centre of my brother's head. In the meantime, Pargat Singh threw iron rod towards my brother, which hit on the rear side of his neck. Then the unknown person having wooden stick in his hand gave a blow of the wooden stick which hit on the right knee of my brother and due to injuries my brother fell on the floor. Thereafter Raghbir Singh with the one and half feet sword gave blow to my brother in order to kill him and in the meanwhile, our driver Shamsher Singh @ Veeru came forward to save my brother and he made an attempt to stop the blow with his left hand and the blow hit him on the left hand. Thereafter Manjeet Singh gave blow of the datar from its reverse side to Veeru which hit him on his left arm and thereafter, Pragat Singh gave blow of iron rod to Shamsher Singh Veeru which hit him on his head. That I have witnessed the entire incident while sitting in the car and

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after coming out of the car, I raise the voice of Maar dita Maar dita. Thereafter, after hearing my voice, the accused along with their weapons ran away from the spot in their Brezza car and they ran towards Tarn Taran City. The motive behind the occurrence is that we are in possession of land nearby and Avtar Singh Deol along with his other colleagues are not letting us possess the land and are blackmailing us and are harassing us and demanding money from us and we were not giving them money. For that reason by the use of weapons and with the intention to kill my brother Baljeet Singh and Veeru gave blows to them and caused injuries to them. I made arrangement of vehicle and got admitted my brother Baljeet Singh and Shamsher Singh @ Veeru in Government Hospital Tarn Taran. Due to serious condition of my brother, the doctor referred him to Amritsar, who is admitted in Apex Hospital, Batala Road Amritsar and is in unconscious condition. As I have seen the entire occurrence and is spot witness and as such, I have got recorded my statement. Singh. Action be taken. Sd/- Harjit Singh.”

3. The learned counsel for the petitioner contends that it is a case of version and cross-version and a cross-case under Sections 307, 324, 323, IPC has been registered against the present complainant party vide DDR No.52 dated 22.12.2023 (Annexure P-2). The petitioner himself has suffered a fracture of the right parietal bone as is apparent from the X-ray report dated 19.12.2023 (Annexure P-4). As the petitioner is in custody since 13.04.2024 but none of the 12 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel alongwith the learned counsel for the complainant contend that the petitioner is the main accused having caused the injury attracting Section 307 IPC on the person of

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Baljeet Singh (brother of the complainant). Therefore, he is not entitled to the concession as prayed for. They, however, concede that it is a case of version and cross-version, that the petitioner himself has received a fracture in the parietal area, that he is in custody since 13.04.2024 and that none of the 12 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, it is a case of version and cross-version. It would be a matter of adjudication during the course of the Trial as to which party is the aggressor side. The petitioner is stated to be in custody since 13.04.2024 but none of the 12 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, 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-Avtar Singh Deol 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 (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- 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 petitioners from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.07.2025

JITESH

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