

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

CRM-M-8836-2025

Reserved on: 3rd April, 2025

Pronounced on: 9th April, 2025

Bohar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

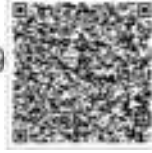
Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

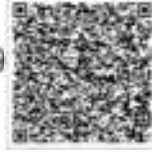
The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 37 dated 19.05.2024 registered under Sections 307, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Valtaha, District Tarn Taran.

2. Briefly stated, the facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the injured complainant Ranjit Singh @ Gora son of Sukhdev Singh on 19.05.2024 alleging therein that there was some discord between Surjit Singh and Gurlal Singh. He had been called by both of them to mediate and on 18.05.2024, Gurlal Singh took him to village Assal Uttar i.e. the native village of the petitioner for securing a truce. When the complainant Ranjit Singh reached there along with Gurlal Singh, Surjit



Singh, Ranjit Singh Sidhu, one cousin of Surjit Singh, petitioner-Bohar Singh and ten other unknown persons were found to be present along with weapons. The petitioner made an exhortation and then Ranjit Singh Sidhu fired a shot with a pistol hitting the left thigh of the complainant. Another shot was fired by him, hitting at the same place. Then Surjit Singh fired a gun shot again hitting the left thigh of the complainant. He was also assaulted by petitioner, who struck a blow with *datar* on his head. Ranjit Singh Sidhu also struck blow with *datar*. On rescue alarm being raised by him, the assailants fled away. After registration of FIR, investigation proceedings were initiated. On the same day, on the basis of statement recorded by Balwinder Singh, member of the complainant party, who had sustained injuries at the hands of Gurlal Singh and also injured by Ranjit Singh. firearm injury and was admitted in hospital, a cross case bearing DDR No. 28 dated 19.05.2024 was registered under Sections 148, 307, 452 read with Section 149 of IPC. The petitioner was arrested on 29.11.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, the complainant and his companions were the aggressors. The occurrence had taken place at the shop of co-accused Surjit Singh and the complainant party had reached there and assaulted him. Balwinder Singh, a member of his party had sustained injuries at the hands of Gurlal Singh and was also injured by the complainant Ranjit Singh @ Gora. It is a case of version and cross-version. Trial is likely to take time. His custodial interrogation is no more required. He has a permanent abode. There are no chances of his absconding. The

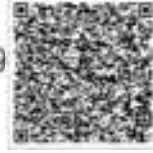


complainant had been discharged from hospital in time. Co-accused Gurlal Singh and Surjit Singh have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The subject offences are not made out against him. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that the petitioner had given a blow with *datar* on the person of complainant, thereby causing a grievous injury attracting Section 326 of IPC. Allegations against him are serious in nature. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, the petitioner and co-accused had caused injuries to the complainant. The petitioner has been attributed one grievous injury on the person of the complainant extended by giving a blow with *datar*. He is in custody since 29.11.2024. A cross case has been registered against the members of the complainant party. It is a case of version and cross-version and it is only on the basis of thorough evaluation of the evidence to be produced during trial that it can be determined that as to who was the actual aggressor. Trial would take considerable time since no



prosecution witness has been examined so far. The involvement of the petitioner in another case cannot be considered to be a reason for denying benefit of bail to him. In the opinion of this Court, no useful purpose would be keeping him in custody anymore. On the ground of parity too, he deserves to be released on bail. Keeping in view the above discussed reasons but without meaning to make any comment on the merits of the case lest they prejudice the trial, 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 learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

9th April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*