

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

(212)

CRM-M-10713-2016

Decided on: April 22, 2016.

Dashmesh Singh and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. B.D. Sharma, Advocate, for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Varinder Kumar Sandhir, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL)

Petitioners seek concession of pre-arrest bail in a case registered at the instance of Sukhdev Singh alleging that on 11.07.2015 when complainant alongwith his son Fateh Singh were sitting in the fields, irrigating paddy fields then the petitioners armed with 'kirpan' and 'datar' along with Lal Singh attacked the complainant and his son and assaulted them causing several injuries. So far as petitioner No. 1 is concerned, he is real brother of complainant Sukhdev Singh.

Petitioner No.1 is attributed a 'kirpan' blow on the left leg of the complainant and another 'kirpan' blow on the left thigh. These injuries have not been declared grievous till date. So far as petitioner No.2 is concerned, he is attributed 'lalkara' and 'datar' blow on the left foot and fingers of the foot and toe of right foot of the complainant. The injuries attributed to petitioner No.2 have been described as grievous injuries.

I have heard learned counsel for the petitioners who has vehemently urged that the petitioners have been falsely implicated in the case on account of a dispute regarding turn of water. Petitioner No.1 claims that he has also suffered injuries and that it is a case of cross-version.

After hearing learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant and going through the police file, it transpires that there is a dispute amongst the real brothers on account of which the FIR has been registered pertaining to an incident dated 11.07.2015.

Taking into consideration the fact that petitioner No.1 has not been attributed any grievous injury, he can be granted concession of pre-arrest bail.

Taking into consideration the role attributed to petitioner No.2, petition deserves to be dismissed qua him.

Petition qua petitioner No.1 Dashmesh Singh is allowed. It is ordered that in case of arrest of petitioner No.1 Dashmesh Singh, he will be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the arresting officer.

Petition qua petitioner No.2 Karanbir Singh is dismissed without prejudice to his right to avail remedy under Section 439 Cr.P.C in accordance with law.

(M.M.S. BEDI)
JUDGE

April 22, 2016
harsha