

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

**CRM-M No.21743 of 2016 (O&M)
Date of Decision : 16.08.2016**

Daljit Singh @ Jiti

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kartik Gupta, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

On 24.06.2016 the following order was passed:-

“The petitioner seeks pre-arrest bail in case FIR No.126 dated 2.10.2015 under Sections 307, 326, 324, 341, 148, 149 and 120-B IPC, Police Station Mantiana, District Hoshiarpur.

The allegations in the FIR, which has been recorded on the statement of Rulda Singh are that on 26.9.2015, when he was proceeding to village Mehtiana on his motorcycle, on the way a car stopped near him and Joga Singh raised a

lalkara that he (complainant) be killed, whereupon, 8/9 persons alighted from the car and inflicted injuries on him. Joga Singh and Gurcharan Singh are alleged to have inflicted kirpan blows on his left arm, Navi gave a kirpan blow on the upper portion of his right leg, Jassi gave a kirpan blow near the elbow of right arm, Gurbachan Singh gave another kirpan blow on the ankle of his right leg, Sethi gave a datar blow hitting him on the stomach, Bunty gave a datar blow on his head, as a result of which he fell down. It is alleged in the FIR that after the complainant fell down, the petitioner Jiti caused datar blows on his person without mentioning about any specific parts of body.

Ld. Counsel for the petitioner contends that the alleged incident occurred on 26.9.2015, whereas, the FIR in this regard was lodged on 2.10.2015 i.e. after a delay of six days. A detailed enquiry has been conducted by the Deputy Superintendent of Police, wherein, doubts have been cast on the veracity of the allegations based on the location of the mobile of Baljinder Singh (father of the petitioner) and Bunty, who was alleged to have helped him. The Enquiry Officer also opined that it was highly improbable that 9 persons can board one car along with their weapons, thus, casting further doubt on the version recorded in the FIR.

In the enquiry, the main accused persons, namely Joga Singh, Gurcharan Singh, Jassi and Navi have been found innocent. Regarding the petitioner after adverting to some complaints filed by the father of the petitioner against

the complainant and his nephew, it was inferred that in view of the grudge of the petitioner against the complainant, his involvement could not be ruled out.

Notice of motion for 16.8.2016.

Meanwhile, in the event of arrest, petitioner Daljit Singh @ Jiti shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the condition provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned Additional Advocate General, on instructions from ASI Dharam Pal Singh accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 24.06.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

16.08.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No