

CRM No. M-24560 of 2016

DECIDED ON: SEPTEMBER 09, 2016

KULWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of this petition preferred under Section 438 Cr.P.C. petitioner has sought pre-arrest bail in a case bearing FIR No. 41 dated 11.05.2016 registered under Sections 307, 324, 323, 148 and 149 IPC at Police Station Bullowal, District Hoshiarpur.

Shortly put the case of prosecution, as unfolded by Manvir Singh is that on May 09, 2016 at about 6.00 PM, he alongwith his cousin Amanjit Singh had gone to barber shop for hair cut. At that time Davinder Singh son of Jarnail Singh was already getting his hair cut. Complainant and his cousin Amanjit Singh @ Biru started waiting for their turn. Meanwhile, Sahbi @ Baba r/o Makimpur, armed with datar and carrying pistol like object in his dub, along with his brothers Raja armed with kirpan, Rana armed with Vanja, Pitu armed

with Kirpan, Sahbi son of Gurdip Singh armed with datar, Parminder Singh armed with datar, Ladi armed with Vanja and 4-5 unidentified persons, all armed with Vanjas and Datar, entered in the barber shop. On entering the shop, Sahbi raised lalkara not to spare the complainant and saying so aimed a datar blow at the complainant. When the complainant raised his arm to ward off the blow, the datar blow fell on the right elbow of the complainant. The second blow fell on the right forearm of the complainant. Sahbi, Raja Rana, Ladi and other assailants gave further blows to the complainant and his cousin Amanjit @ Biru. When Amanjit @ Biru and Davinder Singh came forward to rescue the complainant, the assailants gave injuries to the said persons and thereafter ran away in their Swift Car and motorcycles. As the complainant side raised raulla, Sahbi, son of Gurdip Singh, took out an Air Gun from the Swift Car and fired a gun shot at Amanjit @ Biru and the pellet of the gun hit at the thigh of Biru. Later on, the brother of the complainant came there, who rushed the injured to Civil Hospital, Hoshiarpur from where the complainant and Amanjit were referred to DMC&H, Ludhiana.

The contention of learned counsel for the petitioner is that the injuries which have been attributed to the petitioner alleged to have been caused on the person of Manvir Singh and Amanjit Singh are simple in nature and the person to whom the injury which falls within the ambit of Section 307 IPC, has been attributed has already been arrested by the police and is behind the bars. Petitioner is ready to join the investigation and shall abide by all the terms and conditions imposed by this Court, in case he is granted the concession of pre-arrest bail.

On the other hand learned State counsel has strongly opposed the petition submitting that Manvir Singh-complainant sustained as many as 9

injuries on his person at the hand of petitioner and his co-accused whereas, Amanjit Singh cousin of the complainant sustained as many as 11 injuries at their hands. Even, Davinder Singh who tried to intervene, was not spared and two injuries were caused to him.

This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has gone through the record.

No doubt injuries which have been specifically attributed to the present petitioner falls within the ambit of Section 323 IPC but those injuries were caused by him by constituting an unlawful assembly with his co-accused.

Keeping in view the number of assailants as well as injuries sustained by Manvir Singh, Amanjit Singh and Davinder Singh-intervenor, this Court is of the considered view that petitioner does not deserve the concession of pre-arrest bail. Rather his custodial interrogation is required to unearth all the ramifications involved in this case.

In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, the same is dismissed.

SEPTEMBER 09, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No