

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.31225 of 2016

Date of decision: September 05, 2016

Gurjeet Singh @ Gurjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.

Through the instant petition preferred under Section 438 of Code of Criminal Procedure, petitioner-Gurjeet Singh @ Gurjit Singh has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.44 dated 04.08.2016, under Sections 326, 324, 323, 34 of Indian Penal Code registered at Police Station Rangar Nangal, Police District Batala, District Gurdaspur.

The instant case stands registered on the basis of the statement of Charanjit Singh son of Nirmal Singh, resident of Dhadiala Najara, Tehsil Batala, District Gurdaspur that on 3rd August, 2016 at about 06:00 pm, he was ploughing his fields with a tractor. Meanwhile, petitioner-Gurjeet Singh @ Gurjit Singh accompanied by Karan Singh, Sukhwinder Singh and Jaswinder Singh armed with deadly weapons came there and started inflicting

injuries on his person. On raising alarm by him, Dalbir Singh came to the spot and witnessed the entire occurrence.

The contention of learned counsel for the petitioner is that it is a version and cross-version case and it is yet to be established as to which of the party was aggressive one. Karan Singh co-accused of the petitioner also sustained large number of injuries at the instance of the complainant-party. Moreover, co-accused of the petitioner, namely, Sukhwinder Singh has also been granted the concession of interim bail by this Court vide order dated August 30, 2016 passed in *CRM-M No.30343 of 2016*. The petitioner is ready to abide all the terms and conditions imposed by this Court, in case, he is granted the concession of pre-arrest bail and also undertakes to cooperate with the investigation as well as the trial.

This Court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioner but these do not find favour, especially, in the circumstances, that the petitioner while armed with *datar* dealt its blow on the person of Charanjit Singh by hitting on his head. His co-accused also caused multiple injuries with their respective weapons. No doubt, initially an FIR was registered under Sections 323, 324, 34 of IPC. Subsequently on receipt of *x-ray* report, offence under Section 326 IPC has been added. There is a specific role attributed to the petitioner. The recovery of *datar* allegedly used by the petitioner during the course of occurrence for causing the injury to Charanjit Singh, still requires

to be effected, which is only possible through custodial interrogation of the petitioner when the investigation of this case is likely to be stultified.

Dismissed.

September 05, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No