

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

214

CRM-M-4532-2016

Date of Decision: March 30, 2016

GURNAM SINGH AND ANR.

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

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

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

Mr.Jashan Preet Singh, AAG, Punjab.

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

The petitioners seek the concession for pre-arrest bail in a case registered at the instance of Baljit Singh alleging that on 22.10.2015 when the complainant was present at his house with his family members, the petitioners along with one Gurnam Singh with datar came on a tractor to the house of the complainant. When the complainant came out, he was attacked by the three persons and was assaulted badly.

With the assistance of counsel for the petitioners and State counsel, I have gone through the police file and find that there are four injuries on the face of complainant. All the four injuries were CT scanned and Board of Doctors opined that all the injuries are grievous injuries.

Counsel for the petitioners submits that there are certain injuries on the person of Gurnam Singh petitioner No.1. However a private complaint was filed by petitioner No.1.

After going through the entire material available on record and taking into consideration the nature of the injuries attributed to petitioner No.1, I do not find any ground to grant pre-arrest bail to petitioner Gurnam Singh. There are however no specific allegations against petitioner No.2. She has only been attributed a "lalkara". Her bail application can be

allowed.

I have considered the contention of the counsel for the petitioners that it is a case of cross-version and that cross case has also been registered against the complainant party on account of injury having been received by petitioner No.1.

It has been informed by the State counsel that the cross-version has been cancelled finding no force in the same. The factum of injuries having been received by petitioner No.1 may constitute a ground for grant of regular bail to petitioner No.1 but no extra ordinary exceptional circumstances exist to grant pre-arrest bail to petitioner Gurnam Singh. Age of petitioner No.1 and factum of he having received injury, may constitute the ground for grant of regular bail by surrendering before the Area Magistrate or before Investigating Officer but do not entitle him for grant of pre-arrest bail.

Petition qua Gurnam Singh petitioner No.1 is dismissed.

The petition qua Bachan Kaur petitioner No.2 is however allowed. It is ordered that in case of arrest of the petitioner Bachan Kaur, she will be released on bail to the satisfaction of the arresting officer subject to the condition that the petitioner will join investigation as and when required.

In case petitioner No.1 Gurnam Singh surrenders and moves application for regular bail, his application for regular bail may be decided expeditiously preferably within a period of two to three days.

March 30, 2016
TSG

(M.M.S.BEDI)
JUDGE