

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

CRM-M-11886-2017

Date of decision: 15.11.2017

Bikramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

Mr.Karamjit Singh, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Bikramjit Singh, an accused in FIR No.8 dated 25.1.2017 for offences under Sections 308, 341, 323, 148, 149, 295-A, 379, 427 IPC and 25/27 of Arms Act registered with Police Station Mehna, District Moga.

Briefly stated, the allegations are that criminal machinery in this case was set in motion by complainant Harbhajan Singh son of Partap Singh of Jatt community, resident of village Kokri Vehniwal, aged about 45 years, who in his statement recorded with the police on 25.1.2017 stated that he is Ex-Sarpanch of village; that on said date, he along with Harjinder Singh @ Cheema son of Gurbachan Singh of his village was going to Moga City from their village via Bhinder Kalan in Scorpio

vehicle having registration No.PB-29-5000 belonging to Harjinder Singh; that at about 10:15 a.m., when they had just crossed brick kiln of the village then a Fortuner vehicle having registration No.PB-11-H-0007 crossed them and came to a halt in front of their vehicle; that the said vehicle was being driven by Ravinder Singh @ Binda son of Karnail Singh, resident of their village; that another Thar Jeep having registration No.CH-23-(T) military colour was stopped on the back of their Scorpio vehicle; that jeep was being driven by Karnail Singh son of Surmukh Singh of their village; that 12/13 young persons came out from those vehicles; that they were armed with rods, baseball bats, hockey sticks, whereas Ravinder Singh @ Binda was having a pistol; that he exhorted his co-accused; that Jagtar Singh @ Tari son of Shingara Singh was having iron rod, Gurpiar Singh son of Harnek Singh with iron rod, Jaskirat Singh son of Nirbhai Singh having hockey stick, Bikramjit Singh son of Balvir Singh (petitioner) with hockey stick, Parminder Singh son of Darshan Singh armed with baseball bat, whereas five unknown persons were armed with rods, baseball bats, hockey sticks; that Ravinder Singh @ Binda had fired two shots in the air exhorting his co-assailants to teach a lesson to Harbhajan Singh, who had deposed against them; however, complainant and his colleague did not come out of their vehicle, then Parminder Singh gave baseball bat blow on the front glass pan of vehicle of complainant and on Harinder Singh as the front glass pan of their vehicle got broken and some small pieces of glass stuck to the bodies of complainant and Harinder Singh; that thereafter unknown persons broke down the whole glass of the vehicle of the complainant; that one of such

unknown persons pulled out the complainant by forcibly opening window of the vehicle; that Ravinder Singh @ Binda and Karnail Singh again exhorted their co-accused threatening to kill the complainant, then Jagtar Singh gave rod blow to a complainant with intention to kill him; that complainant saved his head by putting his hands thereon, in the process he suffered injury on ring finger of his hand; that then Ravinder Singh @ Binda took an iron rod from an unknown person and gave a blow therewith to complainant having intention to kill him; that the complainant raised his left arm and the iron rod struck his wrist; that Gurpiar Singh gave two rod blows to the complainant, first one hit the complainant on wrist and second on right shoulder; that Ravinder Singh @ Binda raised a lalkara that arms and legs of complainant be broken and gave a rod blow hitting complainant on left ankle; that complainant fell down, then Ravinder Singh @ Binda gave four rod blows to him hitting him on left leg; that Jaskirat Singh gave hockey stick blow hitting the complainant on right leg; that Bikramjit Singh gave a hockey stick blow hitting the complainant on right foot; that then Ravinder Singh @ Binda gave a rod blow hitting the complainant on his right leg; that two unknown persons gave rod blows hitting the complainant on right leg, then he became unconscious; that the assailants presuming that the complainant had died ran away from the spot; that the injured was taken to hospital. According to the complainant their vehicle was damaged and the accused had taken away Rs.50,000/- with them, which were lying in the vehicle, they had snatched their mobile phones and had taken their turbans with them. The motive for the incident was that Kamaljit Singh

son of Joginder Singh, resident of village Bhinder Kalan had purchased agricultural land, however, Ravinder Singh had wrongly got the entry made in the khasra girdawri in connivance with revenue department. The complainant had made statement in favour of Kamaljit Singh due to that reason accused had assaulted him. He gave the value of his mobile as Rs.15,000/-.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Moga vide order dated 20.3.2017. Feeling aggrieved, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per the prosecution case, the petitioner while armed with a hockey stick gave blow to complainant hitting him on right foot. Admittedly that injury has been simple in nature. The petitioner is a handicapped person and as per disability certificate issued by PGI, Chandigarh, he is having 66% physical disability due to post polio residual paralysis and affected part of body happens to be right lower limb. He was granted interim bail with a direction to join the investigation. As submitted by learned State counsel, he has joined the investigation, though the recovery has not been effected from him.

Learned counsel for the petitioner has contended that with such percentage of disability, it is highly unlikely that petitioner could snatch any article and then run away. He has drawn my attention to the

contents of the FIR, wherein there are general allegations against all the accused of snatching mobiles and taking away turbans etc.

Under the circumstances, I find that custodial interrogation of the petitioner is not necessary and he may be granted pre-arrest bail. Therefore, interim bail granted to the petitioner is made absolute by way of acceptance of the petition, subject to fulfilment of conditions under Sections 438(2) Cr.P.C., which are as under:

- 1) that he shall make himself available for interrogation by a police officer as and when required;*
- 2) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- 3) that he shall not leave India without the previous permission of the Court; and*
- 4) that he shall surrender their passports before the Investigating Officer. If he does not have passport then such petitioner would furnish affidavit in that regard.*

Petition stand disposed of accordingly.

15.11.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No