

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M-14463 of 2017 (O&M)
Date of decision : 24.8.2017

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Sikandar Singh @ Veenu

.....Petitioner

vs.

State of Punjab

.....Respondents

2) CRM-M-19341 of 2017 (O&M)

...

Dalbir Singh @ Tita

.....Petitioner

vs.

State of Punjab

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Manbir Singh Basra, Advocate for the petitioner(s)

Mr. K.S. Aulakh, Deputy Advocate General, Punjab

Mr. J.S. Mahal, Advocate for the complainant.

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H. S. Madaan, J.

Vide this order I propose to dispose of two applications for
grant of pre-arrest bail, being CRM-M-14463 of 2017 filed by
Sikandar Singh @ Veeru and CRM-M-19341 of 2017 filed by Dalbir

Singh @ Tita, both of them being accused in FIR No. 22 dated 18.3.2016, registered under Sections 307, 452, 332, 324, 148, 149 IPC, registered at Police Station Sekhwan, District Gurdaspur.

Briefly stated, the facts of the case as per the prosecution story are that on 17.3.2016, Balraj Sharma, ex-sarpanch of village Baroye, P.S. Dharilwal, District Gurdaspur, alongwith his wife Neelam – complainant and son Sushil Kumar @ Babal, was present at his home. At about 6.45 P.M. Sikandar Singh @ Veeru s/o Chota, armed with a *kahi*, his brother Dalbir Singh @ Tita armed with a *dang*, Manni s/o Sikandar Singh armed with a *dang*, Neelam w/o Sikandar Singh, Rajat s/o Dalbir Singh @ Tita, Rohit @ Kaka s/o Tarsem and Sophia d/o Sikandar Singh, residents of village Baroye, empty handed, entered the house of complainant giving abuses. Neelam and Sophia raised extortion that complainant side be taught a lesson for getting case registered against them. Hearing that Rohit @ Kaka s/o Tarsem, Rajat s/o Dalbir caught hold of Balraj Sharma from arms and gave fist blows. Sikandar Singh @ Veeru gave a *kahi* blow (multi pronged spade type of an implement used for pushing stones etc.), hitting him on his head with an intention to kill. Dalbir Singh @ Tita gave a *dang* blow to Balraj Sharma hitting him on left wrist. Manni s/o Sikandar Singh also gave a *dang* blow to the victim, hitting him on right wrist. When Balraj Sharma fell down and became unconscious after receiving the injuries, his family members raised alarm. Then all the accused fled from the spot alongwith their respective weapons. The motive for the occurrence was that Sikandar Singh belongs to Christian community, but he had projected himself

as a Majbi Sikh and contested the elections. On that issue Vijay Kumar s/o Bauli Ram who was being supported by husband of the complainant, had filed a case against Sikandar Singh. That was the motive for incident. Injured was removed to Civil Hospital, Gurdaspur. The doctors medico legally examined him. Thereafter he was got admitted in KD Hospital, Amritsar. Apprehending their arrest in this case, petitioners have approached the Court for grant of pre-arrest bail.

I have heard learned counsel for the parties, besides going through the record of the case.

As far as petitioner – Sikandar Singh @ Veeru is concerned, he has been attributed a blow with spade on head of Balraj Sharma. It was such injury on vital part which was declared to be dangerous to life. The spade which he was carrying at the relevant time, as per prosecution version, was multi pronged and not an ordinary one used by the farmers for digging of earth. It being so there could be a possibility of several injuries being caused with one blow of that spade (*kahi*). The allegations against Sikandar Singh @ Veeru are quite grave and serious. Though there is cross version of the incident in which Sikandar Singh @ Veeru is alleged to have six injuries on his person, but then cross version is to be investigated separately and persons responsible for causing such injuries would be dealt with in accordance with law. The main culprit in the incident happens to be Sikandar Singh @ Veeru. His custodial interrogation is necessary to effect the recovery of the weapon used by him in the incident. Although in terms of the interim bail granted to him he has joined the

investigation but as stated by the Investigating Officer he has not rendered full cooperation to the Investigating Agency and has not got the weapon used by him in the incident, recovered. If the custodial interrogation is denied to the agency that shall leave many loose ends and loopholes in the investigation, which is uncalled for.

As far as accused Sikandar Singh @ Veeru is concerned, there is no merit in his application and the same stands dismissed.

As regards accused Dalbir Singh @ Tita the injury attributed to Dalbir Singh @ Tita is with a *dang* on the left wrist, which is simple in nature. He is not stated to have repeated the injury. This accused has also joined the investigation, in view of the interim bail granted to him. Therefore, in my considered view, he can be granted the concession of pre-arrest bail. Therefore, interim bail granted to the petitioner – Dalbir Singh @ Tita vide 13.7.2017, is made absolute, subject to fulfillment of conditions under Section 438 (2) Cr.P.C. Therefore, application of petitioner - Dalbir Singh @ Tita stands allowed, whereas application filed by petitioner – Sikandar Singh @ Veeru stands dismissed.

(H.S. Madaan)
Judge

24.8.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No