

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

**Crl. Misc. No.M-20452 of 2017 (O&M)
Date of Decision: July 13, 2017**

Harbhej Singh @ Bheja and another

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Bawa, Advocate
for the petitioner (s).

Ms. Rajni Gupta, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.105 dated 08.11.2016 registered for the offences punishable under Sections 148, 307, 323, 324 read with Section 149 of Indian Penal Code at Police Station Chattiwind, District Amritsar.

Heard.

Learned counsel for the petitioners seeks permission to withdraw the petition filed on behalf of petitioner No.2-Satnam Singh @ Bau.

Permission allowed.

As per case of the prosecution, 15 persons have attacked

Sukhdev Singh and others and caused injuries to Sukhdev Singh, Ravinder

Singh, Kashmir Singh, Malwinder Singh and Gurmit Singh and total 23 injuries were caused to them. As per version of the complainant in FIR, petitioner No.1-Bheja and one Sardool Singh, who was also member of the assailant group, have caught Gurmit Singh, thrown him on the ground and caused him injuries with their respective weapons.

Learned counsel for petitioner submits that Sardool Singh has been allowed pre-arrest bail by the Court below and on the ground of parity, petitioner Bheja be also allowed pre-arrest bail.

Learned State counsel contests the submission of learned counsel for the petitioner on the ground that Sardool Singh was armed with *dang* while, petitioner Bheja was armed with a spade, as such, it is not a case of parity of petitioner-Bheja with Sardool Singh. She further submits that in the supplementary statement of Sukhdev Singh, he has attributed injuries caused on the shoulder of Gurmit Singh to petitioner Bheja.

As per the allegations of prosecution, petitioner was armed with spade but no specific injury with sharp edged weapon was attributed to him. The role of the petitioner as per FIR is that he along with Sardool Singh caught hold of Gurmit Singh, thrown him on the ground and caused him injuries with their respective weapons. Even the injury on the shoulder of Gurmit Singh, which has been attributed to the petitioner, is by blunt weapon. It will be a matter of investigation as to whether this injury could be caused with weapon which was with the petitioner as per the statement of complainant/injured.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is partly allowed. Petitioner

No.1- Harbhej Singh @ Bheja is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him.

July 13, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***