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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-30647-2017
Date of Decision:- October 09, 2017

Balbir SinghPetitioner

Versus

The State of PunjabRespondent

2. CRM-M-34184-2017

Tarlochan SinghPetitioner

Versus

State of PunjabRespondent

3. CRM-M-35101-2017

Sewa SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sanjeev K. Virk, Advocate,
for the petitioner – Balbir Singh.

Mr. Nandan Jindal, Advocate,
for the petitioners, Sewa Singh and Tarlochan Singh.

Mr. A.S.Sandhu, Addl. A.G., Punjab,
for the respondent State.

SHEKHER DHAWAN, J.

The above mentioned three petitions are being disposed of

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by this common order as all these petitions arise out of FIR No.123 dated 30.05.2017 registered under Sections 323, 324, 325, 326, 307, 109, 120-B, 506 read with Section 34 IPC at Police Station Rama Mandi, District Jalandhar.

2. By filing CRM-M-30647-2017 and CRM-M-35101-2017, petitioners, Balbir Singh and Sewa Singh have filed petitions under Section 439 Cr. P.C. seeking regular bail in the above mentioned FIR, whereas, Tarlochan Singh, petitioner in CRM-M-34184-2017 seeks pre-arrest bail.

3. Facts relevant for the purpose of decision of these petitions; that FIR was registered on the statement of Joginder Singh on the allegations that civil litigation was pending with Sewa Singh and the same was decided in their favour. Possession of some shops was taken, but the possession of remaining shops was yet to be taken due to interference by Sewa Singh and others. On 30.5.2017, at about 9.15 AM, the complainant was going to his house on a motorcycle and when he reached at the back side of kothi of Anoop Singh Minhas, a car came from his front side and the driver of the car struck the car against his motorcycle with the intention to kill him. The complainant fell on the road. Sewa Singh, driver of the car, came out along with Balbir Singh and to other unknown persons. Sewa Singh was armed with *datar*; Balbir Singh was armed with baseball and Billa was armed with iron-rod. Sewa Singh raised a *lalkara* and gave two *datar* blows on the left and right legs of the complainant. Billa gave rod blows on the complainant on his left and right arms. Balbir Singh gave him injuries on arms and other parts of the body. The unknown persons also inflicted injuries and gave fist blows on his body and threatened to kill him. On raising alarm, Parveen Jassowal,

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son of the complainant came there and accused persons fled away from the spot along with their respective weapons.

3 Learned counsel for the petitioners, Sewa Singh and Balbir Singh contended that the two petitioners are in custody since 31.5.2017 and 3.6.2017 respectively. The decision of the case still to take some more time. So they be released on bail.

4. Learned counsel representing petitioner, Tarlochan Singh contended that the petitioner is not named in the FIR and Tarlochan Singh and Billa are two different persons and as such, petitioner Tarlochan Singh is not named in the FIR and he has been falsely implicated in this case. The petitioner is ready to join the investigation. So, he be released on pre-arrest bail.

5. Learned counsel for the petitioners also contended that co-accused, Aman Singh, has already been released on regular bail by this Court vide orders dated 10.08.2017 (Annexure P/1).

6. Learned State counsel while opposing the present applications contended that the petitioners had intentionally attacked the complainant and they were armed with deadly weapons like *datar*, baseball and iron-rod and gave number of injuries on almost all the parts of the body of the complainant. The motive for causing the injuries was civil litigation and vacation of shops in pursuance of some decree and no case is made out for releasing petitioners, Sewa Singh and Balbir Singh on regular bail or release of petitioner, Tarlochan Singh on anticipatory bail as that at this stage, there is no ground to release the petitioner on bail.

7. Having considered the submissions made by learned counsel for the parties and the fact that petitioners, Sewa Singh and Balbir Singh are specifically named in the FIR and they had caused injuries to

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complainant, Joginder Singh, who is reported to be critically ill, as per medical evidence, there is no dispute about the identity of the accused persons and the nature of injuries caused by them and the weapons used by the petitioner, does not make out a case for release of petitioners, Sewa Singh and Balbir Singh, on regular bail at this stage. Hence, the applications filed by both these petitioners stand dismissed.

8. No case is made out for release of petitioner, Tarlochan Singh on pre-arrest bail as it has come during the investigation by now that Tarlochan Singh and Billa are one and the same person and he has been specifically named in the FIR.

9. As regard the plea of releasing of co-accused, Aman Singh on regular bail in this case vide order dated 10.08.2017, the petitioners cannot claim parity with said Aman Singh because Aman Singh was not named in the FIR and no role was attributed to him, whereas, all the petitioners herein were specifically named in the FIR and specific role and injuries have been attributed to them.

10. Resultantly, all the above titled petitions, bearing CRM-M-30647-2017, CRM-M-34184-2017 and CRM-M-35101-2017 are without any merit and the same stand dismissed at this stage.

October 09 , 2017
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(SHEKHER DHAWAN)
JUDGE

Speaking/Reasoned
Reportable

Yes
No