

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43889 of 2016
Date of Decision: 21.02.2017

Harpal Singh and others

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Jashanpreet Singh, A.A.G., Punjab.

Mr. Prateek Pandit, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 115 dated 09.10.2016 registered for offences punishable under Sections 323, 324, 506, 120-B and 34 of Indian Penal Code (for short 'IPC'), at Police Station Kartarpur, District Jalandhar. The offence punishable under Section 326 IPC was added later on.

Heard.

As per case of prosecution, the occurrence took place on 09.10.2016 at about 11.45 p.m., when petitioners alongwith Jasanpreet Singh and Sakatar Singh armed with *kirpan*, baseball bat etc. caused injuries to complainant-Dilbagh Singh, aged 70 years.

Learned counsel for petitioner submits that there is land dispute between Harpal Singh and complainant, who are brothers and for this reason they have implicated petitioners. A cross-version regarding the occurrence was also registered vide DDR, copy of which has been placed on file as Annexure P-2). In fact complainant party had entered the house of petitioners and caused them injuries.

Learned State counsel and learned counsel for the complainant submit that on enquiry the cross-version of petitioners has been found to be

false and two persons named in FIR by complainant-Dilbagh Singh have also been found to be innocent. The grievous injury on the person of Dilbagh Singh has been attributed to Dhanvir, who is absconding.

Keeping in view the fact that no injury has been attributed to petitioner no. 1-Harpal Singh and injury attributed to petitioner no. 3-Parvinder Singh, is simple in nature, the instant petition filed by them seeking pre-arrest bail is allowed and order dated 08.12.2016 allowing them interim bail is made absolute, till presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

However, keeping in view that petitioner no. 2-Dhanvir Singh had caused grievous injuries to complainant, who is 70 years of age, his bail application is declined.

February 21, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No