

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

**CRM-M-6967 of 2017
Date of Decision-16.05.2017**

Sukhvir Singh @ Goldy and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Saurav Verma, Advocate
for the petitioners.

Mr. Shilesh Gupta, Addl, AG, Punjab.

Mr. V.D. Goyal, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J.

[1]. Prayer is for grant of anticipatory bail in case bearing FIR No.58 dated 06.10.2016 registered under Sections 323/324/427/506/148/149 IPC (offences under Sections 326 and 307 IPC were added later on) at Police Station City Ahemadgarh, District Sangrur.

[2]. Complainant Major Singh alleged that on 05.10.2016, at about 8:15 PM, when the complainant along with Sukhwinder Singh @ Soni, Manjit Singh, Jaswinder Singh were sitting and were discussing the things, then a Swift car of white colour, which was being driven by Sukhvir Singh @ Goldy stopped on the road leading to Shryans Paper Mills. After alighting from the car, Bhagwan Singh raised a *lalkara* and gave gandas blow to the complainant which hit on the left ear on the upper side of his

head. Harbir Singh Harry hit the complainant with *gandasi* on his head and the complainant raised his left arm in order to ward off the same and the blow landed on his left arm. Sukhbir Singh @ Goldy hit the complainant with sword on his head, which was warded off by the complainant by right hand and the blow landed on his thumb. Sukhwinder Singh Soni, Manjit Singh and Jaswinder Singh tried to get the complainant released from Bhagwan Singh etc, then Bhagwan Singh attacked Manjit Singh with his *gandasi* on his right shoulder and Balwant Singh @ Kala attacked Sukhwinder Singh with kirpan and Sukhwinder Singh tried to ward off the same and blow struck on his right arm. In the meanwhile, Harvir Singh Harry attacked Sukhwinder Singh with his *gandasi*, which landed on his left arm. Four other unknown persons gave fist blows to the complainant party. On raising alarm, the assailants ran away from the spot with their respective weapons and while going from there, they smashed the window panes of Bolero vehicle of Sukhwinder Singh.

[3]. Learned counsel for the petitioners submitted that the lodging of FIR is the counter blast to the FIR No.11 dated 22.01.2014 got registered by the petitioners side against the complainant party under Sections 307/341/323/324/506/148/149 IPC in Police Station Ahmedgarh, District Sangrur. Learned counsel contended that the challan was presented in the aforesaid FIR No.11 against 12 persons. 7 accused were kept in column No.2. Bhagwan Dass was examined in the aforesaid

case in the Court, who specifically named the persons who were kept in column No.2 by attributing specific grievous injuries to them.

[4]. Thereafter, application under Section 319 Cr.P.C was filed and vide order dated 15.09.2014, remaining 7 persons were also summoned by the trial Court to face trial as additional accused. Himmat Singh being the president of the truck union and other accused persons were putting pressure on the petitioners to compromise the matter with them.

[5]. Learned counsel further submitted that injuries attributed to the petitioners are on non-vital part of the body and the offences under Sections 326 and 307 IPC are not attracted in view of medical opinion on record. Learned counsel also submitted that every hurt and injury endangering life would fall under the category of grievous hurt and in terms of Section 320(Eighthly) IPC, the injury would be dangerous to life only when doctor declares the same to be sufficient to cause death in ordinary course of nature.

[6]. By referring to **Rajinder Kumar Vs. State of Punjab and another, 2016(5) RCR (Criminal) 403**, learned counsel submitted that the injuries attributed to the petitioners are on non-vital part of the body. The very complicity of the petitioners viz-a-viz the offences in question would be debatable at the time of trial.

[7]. In view of above, without embarking anything on the merits of the case, I deem it appropriate to direct the petitioners to appear before the Investigating Officer on 22.05.2017. In the event of their appearance, they shall be enlarged on anticipatory bail subject to the satisfaction of Arresting Officer. However, they shall keep on appearing before the Investigating Officer as and when required to do so by the Investigating Officer and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(RAJ MOHAN SINGH)
JUDGE

16.05.2017
Prince

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No