

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

CRM-M-13980-2018 (O&M)

Date of Decision:-3.10.2018

Major Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Arora, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.97 dated 21.9.2017 under Sections 323/324/325/452/379-B(2)/148 and 149 of Indian Penal Code, 1860 at Police Station Chohla Sahib, District Tarn Taran.

The FIR was lodged at the instance of Joginder Singh, wherein it has been alleged that on 13.9.2017, when he alongwith his labourers were carrying out some agricultural activity in 10 marlas of land adjacent to his house then the petitioner Major Singh armed with a '*datar*', Gurwinder Singh armed with a '*datar*', Mukhtiar Singh armed with a '*dang*', Sadhu Singh armed with '*sua*' and Sukhdev Singh armed with a '*dang*' came there accompanied by 3-4 unidentified persons. It is alleged that Mukhtiar Singh exhorted his companions to teach the complainant a lesson for carving out water course in the fields and upon which Gurwinder Singh @ Ginder Singh gave a blow with '*datar*' on the head of Jaskaran Singh. Sukhdev Singh is

alleged to have given a blow with '*dang*' on the right cheek of Jaskaran Singh. Thereafter, the aforesaid persons alongwith Sadhu Singh caught hold of Jaskaran Singh and dragged him, while the remaining persons gave '*kick*' blows. The complainant has further alleged that Major Singh gave a blow with '*datar*' to the complainant, which hit on his right hand below the wrist and thereafter Ginder Singh pushed him and threw him down and twisted his right arm and Major Singh forcibly removed his gold ring worn by him. It is further alleged that while the complainant was lying down, Sadhu Singh and Sukhdev Singh gave fist blows.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that infact it is a case, where the petitioner himself has sustained as many as 5 injuries including an incised wound as would be evident from the MLR (Annexure P-1) which shows that the genesis of occurrence has been suppressed. The learned counsel has further submitted that the veracity of allegations levelled by the complainant are rendered doubtful from the fact that one of the person named as an accused namely Gurwinder Singh son of the petitioner Major Singh upon investigation was found to be not present at the spot as he was serving in Army and has been declared as innocent. It has further been submitted that in any case, the injuries attributed to the petitioner have been declared as simple injuries and in these circumstances there is no case for any custodial interrogation.

On the other hand, the learned State counsel has submitted that the petitioner was armed with a '*datar*', which has since been recovered and since the MLR reflects the injury on the forearm of complainant Joginder Singh, which is attributed to the petitioner and that infact Jaskaran Singh has

also sustained two incised wounds though attributed to co-accused, no case for grant of anticipatory bail to the petitioner is made out.

Having considered the rival submissions addressed before this Court and bearing in mind the nature of injuries, which have been declared as simple and also the fact that the petitioner himself has sustained injuries, regarding which there is no explanation in the FIR, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner especially since the petitioner has already joined the investigation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 5.4.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

This present petition stands accepted accordingly.

3.10.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking Yes / No

Whether reportable Yes / No