

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

CRM-M-16837-2018

Date of decision:-31.5.2018

Lovepreet Singh @ Laddi and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ritesh Pandey, Advocate
for the petitioners.

Mr.C.L.Pawar, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioners – Lovepreet Singh @ Laddi and Kuldeep Singh, both of them being accused in FIR No.34 dated 13.5.2016, under Sections 324, 323, 341, 148 and 149 IPC (later on offence under Section 326 IPC was added), registered at Police Station Sri Hargobindpur, Batala, Police District Batala, District Gurdaspur.

Briefly stated, the facts of the case as per prosecution story are that FIR was got recorded by complainant - Manjinder Singh, who in the statement made by him to the police stated that on 10.5.2016 at about 11:30 A.M., accused Dilbagh Singh armed with a datar hit him on right side of his head, Lovepreet Singh @ Laddi also having a datar gave a blow therewith on his left arm; that Lovepreet Singh @ Laddi gave

second blow with a datar from reverse side hitting left arm of the complainant; that Kuldeep Singh gave a saria blow on left arm of complainant. After the incident the complainant injured Manjinder Singh was taken to hospital and was medico-legally examined. One of the injury on his person caused with sharp edged weapon was declared to be grievous in nature, therefore, offence under Section 326 IPC was added. In that incident Lovepreet Singh @ Laddi had also allegedly suffered injuries at the hands of the opposite party. But during investigation by DSP, Gurdaspur, he came to the conclusion that Lovepreet Singh @ Laddi and Kuldeep Singh had caused injuries to themselves so as to make a cross case. Initially the FIR had been registered for bailable offences and accused had joined the investigation, however, subsequently offence under Section 326 IPC was added.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, their such request was declined by learned Additional Sessions Judge, Gurdaspur vide order dated 21.2.2017. As such, the petitioners have approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records and I do not find any merit in the present petition.

The petitioners have joined the investigation in terms of the direction given to them by this Court while granting interim bail on 24.4.2018. The injury attributed to petitioner Kuldeep Singh is simple in

nature, whereas the one attributed to Lovepreet Singh @ Laddi is grievous in nature. Though learned counsel for the petitioners has submitted that Lovepreet Singh @ Laddi himself had suffered injuries in the incident, however, as has been observed in the order passed by learned Additional Sessions Judge, Gurdaspur dated 21.2.2017, as a result of inquiry conducted by DSP, Gurdaspur, Lovepreet Singh @ Laddi and Kuldeep Singh had caused injuries to themselves to make a cross case.

Therefore, keeping in view all the facts and circumstances, I find that Lovepreet Singh @ Laddi does not deserve concession of pre-arrest bail and petition qua him stands dismissed. Whereas the petition is allowed as regards petitioner No.2 – Kuldeep Singh and the interim bail granted to petitioner No.2 – Kuldeep Singh on 24.4.2018 is made absolute, subject to his fulfilling conditions under Section 438(2) Cr.P.C.

The petition is disposed of accordingly.

31.5.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No