

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

CRM-M-20773-2018
Date of decision:12.09.2018

Mangal Singh and others

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Karanjit Singh, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Ms. Gursharan Kaur Mann, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek grant of anticipatory bail in respect of FIR No.128 dated 07.11.2015 under Sections 323, 324, 325, 326, 148, 149, 452 of Indian Penal Code, 1860 Police Station Ramdas, Distrcit Amritsar.

The FIR was lodged at the instance of Harpal Singh wherein it has been alleged that on the day of occurrence when he along with his father Manjit Singh was present in his house then Gagandeep Singh, Gurpreet Singh, Joginder Singh, Sandeep Singh who were all armed with '*Datar*', Gurmeet Singh and Jaswinder Singh armed with '*Dang*', Gurmukh Singh armed with '*Datar*', Sukhpal Singh armed with baseball bat came there and Joginder Singh raised '*Lalkara*' exhorting his

companions to teach the complainant a lesson for having cut '*Sarkanda*' and thereafter the accused entered into the courtyard of complainant's house. It is alleged that Gagandeep Singh gave a blow with '*Datar*' hitting big finger on the right hand of the complainant and thereafter Gurpreet Singh gave a blow with '*Datar*' hitting the left elbow of the complainant. Sandeep is alleged to have given a blow with '*Datar*' on complainant's elbow and Gurmeet Singh also gave a blow with a '*Datar*' on the left hand of the complainant. It is further alleged that Jaswinder Singh inflicted a blow with his '*Dang*' hitting the little finger of the left hand of the complainant and after the complainant fell down, Gurmukh gave repeated blows with '*Datar*' on his left hand. Sukhpal Singh is also alleged to have caused injury with the baseball bat carried by him. When complainant and his father raised alarm, the co-villagers gathered there and upon which the accused ran from the spot along with their respective weapons.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that in any case they have joined investigation which is now complete and under these circumstances they are not required for any custodial interrogation at this stage and has thus prayed for grant of anticipatory bail.

On the hand other learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where the complainant was attacked brutally and multiple injuries were caused to him including grievous injuries on his hand, elbow and also on arm. Learned counsel for the complainant has submitted that the petitioner

with their influence had been able to get the offences punishable under Sections 326 and 452 of Indian Penal Code, 1860 dropped but subsequently upon the matter having been thoroughly inquired into, the said offences have again been added. It has thus been submitted that bearing in mind the nature of injuries no case is made out for grant of anticipatory bail to the petitioners.

I have considered rival contentions addressed before this Court.

The facts do *prima facie* disclose that the complainant had been attacked with deadly weapons resulting in grievous injuries. However, it has been informed by learned State counsel that the petitioners have since joined investigation and the weapons used in the occurrence have been recovered and the petitioners are no longer required for further investigation and challan is likely to be presented shortly.

In view of the aforesaid position and also in view of the fact that the present FIR was lodged way back in the year 2015 and the petitioners during the interregnum period are not stated to have committed any such act which can be said to defeat their right to bail. Bearing in mind the aforesaid facts and circumstances of the case, I do not find that it is a case of custodial interrogation at this stage i.e. after three years of lodging of the FIR and especially when investigation has been completed and recoveries of the weapons have been effected. Accordingly the petition is accepted and the interim directions issued vide order dated 16.05.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating

Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

The petition is accepted in the above mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

12.09.2018
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**