

CRM-M-24972-2018
CRM-M-25359-2018
CRM-M-24997-2018

GAURAV SOROT
2018.07.31 16:27

-1-

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

1. **CRM-M-24972-2018**

Raghbir

.....Petitioner

Versus

State of Punjab

.....Respondent

2. **CRM-M-25359-2018**

Gurlal Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

3. **CRM-M-24997-2018**

Angrej Singh

....Petitioner

Versus

State of Punjab

....Respondent

Date of decision:30.07.2018

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner(s) in all the cases.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by ASI Charan Singh in all the cases.

GURVINDER SINGH GILL, J. (ORAL)

This order shall dispose of above-mentioned three petitions filed on behalf of petitioner-Raghbir in CRM-M-24972-2018; petitioners-Gurlal Singh & Nishan Singh in CRM-M-25359-2018 and petitioner-Angrej Singh in CRM-M-24997-2018 seeking anticipatory bail in case registered vide FIR No.38 dated 25.04.2018 under Sections 307, 452, 323, 324, 148, 149/34 of Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of Arms Act, Police Station Bhindi Saidan, Amritsar.

The FIR in question was registered at the instance of complainant-Gurmeet Singh who alleged that on the day of occurrence when he along with other members of his family was present at his house, then Raghbir Singh; Amolak Singh armed with the rifle; Harpreet Singh armed with a Sickel; Bura Singh; Nirvail Singh armed with Sickel; Bura Singh s/o Balkar Singh having a 12 bore rifle; Gurlal Singh armed with 'Lathi'; Fatehbir Singh armed with 'Sickel'; Angrej Singh armed with a baseball bat; Nishan Singh armed with a 'Lathi'; Gurpreet Singh armed with 12 bore rifle; Satnam Singh armed with rifle along with 10/12 unidentified persons entered their house. Raghbir Singh exhorted his companions to teach complainant a lesson for having cut grass from their wheat crop.

It is alleged that Hapreet Singh hit Khazan Singh with a 'Sickel' on his left hand and Nirvail Singh attacked Sheeto (aunt of the complainant) on her right eye-brow with the 'Sickel'. When the

complainant came forward to rescue them then Amolak Singh and Bura started firing from their rifles. Amolak Singh is alleged to have fired on the chest near naval of the complainant and Bura Singh is alleged to have fired on both the legs of the complainant. It is further alleged that the aforesaid persons ransacked the house of the complainant.

Notice of the petitions was issued to the State .

The petitioners had been granted interim bail and were directed to join investigation.

Having heard learned counsel for the parties, I find that petitioner-Raghbir Singh is aged about 70 years and was unarmed and petitioner-Angrej Singh is stated to be armed with baseball bat but not attributed any specific injury. Similarly, petitioners-Gurlal and Nishan Singh are also alleged to have been armed with '*Lathi*' but no specific injuries have been attributed to them. I find that this is a case where some persons from the accused party have also sustained injuries for which there is no explanation in FIR. In fact petitioner-Raghbir Singh sustained as many as four injuries including two on his head while two others namely Amolak and Harpreet Singh have also sustained injuries.

Pursuant to issuance of directions by this Court, the petitioners Raghbir Singh, Angrej and Nishan Singh have joined investigation whereas petitioner-Gurlal Singh has not joined investigation as per information furnished by learned State counsel on instructions from ASI Charan Singh.

Having regard to the facts and circumstances of the case and

CRM-M-24972-2018
CRM-M-25359-2018
CRM-M-24997-2018

-4-

bearing in mind that it is a case where there are injuries on both sides, and also the fact that the present petitioners are not attributed any of the fire arm injuries, in my opinion, it is a fit case for grant of anticipatory bail. The petitions, as such are accepted and interim directions issued vide order dated 04.06.2018 passed in CRM-M-24972-2018 & CRM-24997-2018 and order dated 08.06.2018 passed in CRM-M-25359-2018 are 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.

Petitioner-Gurlal Singh in CRM-M-25359-2018 is specifically directed to join investigation as and when directed by the Investigating Officer. In case the petitioner do not cooperate with the investigation, it would be open to the prosecution to move an application for cancellation of bail.

The petitions are accepted in the abovementioned terms.

30.07.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable? **Yes / No**