

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

CRM-M-35294-2018 (O&M)

Date of Decision:-28.8.2018

Gurbinder Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manish Kumar Singla, Advocate for the petitioners.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.9 dated 14.1.2018 under Sections 452, 323, 506 and 34 of Indian Penal Code, 1860 (Section 458 of IPC was added later on) at Police Station Bassi Pathana, District Fatehgarh Sahib.

The FIR was lodged at the instance of Amarjit Kaur, wherein it has been alleged that on the day of occurrence Bittu Verma, Gurbinder Singh, Deep Singh and Gurpreet Singh @ Jaru entered into their house carrying swords and inquired about Puran Singh and stated that they are going to kill him. When they were told that Puran Singh was not at home then Gurbinder Singh and Deep Singh started beating Sukhwinder Kaur, sister of the complainant, and tore off her clothes. It is alleged that when complainant resisted, then they gave sword blows to the complainant on her hands and also pushed her father Jagdev Singh in the Lohri fire, which had been lit.

Notice of this petition was issued to the State.

The learned State counsel has opposed the same.

The learned counsel for the petitioner has submitted that the present FIR is in fact a counter blast to the FIR No.74 dated 22.8.2017 registered under Sections 323, 324 and 326 of Indian Penal Code, wherein Puran Singh has been arrayed as an accused at the instance of Gurbinder Singh-petitioner No.1. The learned counsel has further submitted that none of the injury has been opined to be a grievous injury so far and that in these circumstances the petitioners deserve the concession of anticipatory bail.

On the other hand, the learned State counsel has submitted that all the accused had entered into the house of the complainant carrying swords and had caused injuries and that in these circumstances they do not deserves to be released on anticipatory bail.

Having considered the rival submissions addressed before this Court, I find that although petitioner No.2-Gurpreet Singh @ Jaru is named in the FIR but no specific injury is attributed to him. However, petitioner No.1-Gurbinder Singh is specifically alleged to have caused injuries to the complainant on her hands. It is also alleged that he tore off the clothes of the sister of the complainant and had pushed father of the complainant into Lohri fire, which had been lit.

In view of the aforestated facts and circumstances, while the petition is accepted qua petitioner No.2-Gurpreet Singh @ Jaru, the prayer for grant of anticipatory bail on behalf of petitioner No.1-Gurbinder Singh is hereby declined. In the event of arrest, the petitioner No.2-Gurpreet Singh @ Jaru, he shall be released on bail subject to his furnishing personal bonds

and surety bonds to the satisfaction of Arresting/Investigating Officer. However, he shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition thus stands accepted qua petitioner No.2- Gurpreet Singh @ Jaru but is dismissed qua petitioner No.1-Gurbinder Singh.

28.8.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No