

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

CRM-M-38884-2018
Date of decision:14.09.2018

Gurcharan Singh alias Pappa and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Harmandeep Singh Brar, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

At the very outset learned counsel for the petitioners submits that he may be permitted to withdraw the petition qua petitioner No.1- Gurcharan Singh alias Pappa-petitioner No.1.

In view of the aforesaid request, the petition is dismissed as withdrawn qua petitioner No.1-Gurcharan Singh alias Pappa.

Petitioner No.2-Anju seeks grant of anticipatory bail in respect of FIR No.207 dated 23.07.2018 under Sections 353, 332, 342, 427, 34 and 186 of Indian Penal Code, 1860, Police Station City Jagraon, Ludhiana (Rural).

The FIR was registered at the instance of Constable Surinder Masih wherein it has been alleged that on the night of 22.07.2018 when he along with PHG Nirmal Singh was present at Jhansi Chowk in connection with official duty, a telephonic information was received from

Head Munshi of the police station that one Amarjit Singh was being troubled and harassed by his tenants Gurcharan Singh alias Pappa and Shamsher Singh who were hurling abuses along with Anju wife of Gurcharan Singh. The complainant along with PHG Nirmal Singh went to the house in question where they found that accused were hurling abuses to Amarjit Singh. When they tried to stop them, Gurcharan Singh attacked the complainant twice hitting him with baseball bat on his lip and on his left eye. Shamsher Singh who is also stated to be carrying baseball bat hit the complainant on the left side of his head and on the left ear. It is further alleged that Anju bit on the right wrist of the complainant. It is also alleged that PHG Nirmal Singh was also caused injuries by the accused who broke the mobile of the complainant and also tore uniform. Subsequently they picked up PHG Nirmal Singh and threw him in the street from the first floor.

Learned counsel for the petitioner has submitted that petitioner No.2-Anju, who is a lady, has been falsely implicated in the present case merely to pressurize the entire family and that even as per the FIR, the petitioner is not stated to be armed with any weapon. A prayer has thus been made for grant of anticipatory bail.

On the other hand the learned State counsel has submitted that the allegations levelled are fully substantiated from medical evidence inasmuch as PHG Nirmal Singh was found to have sustained five injuries and complainant was found to have sustained as many as six injuries, although all are simple in nature.

Having considered rival contentions addressed before this

Court, I find that it is mainly Gurcharan Singh @ Pappa and Shamsher Singh who have been attributed the injuries with baseball bats. Present petitioner-Anju is not stated be armed with any weapon and is alleged to have bit on the right wrist of the complainant. However a perusal of the MLR does not reveal that any such bite marks were found on the person of the complainant. Bearing aforesaid facts and circumstances in the mind and also that the petitioner is a lady, I do not find that it is a case of custodial interrogation.

Accordingly the petition qua petitioner No.2-Anju is accepted and the interim directions issued vide dated 06.09.2018 by this Court are hereby made absolute subject to the condition that the petitioner 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.

The petition is accepted in the above mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

14.09.2018
Gaurav Sorot

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

Whether reportable? **Yes / No**