

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

CRM-M-39241-2018 (O&M)

Date of Decision:-1.11.2018

Ruldu Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Judgepreet Singh Warring , Advocate for the petitioners.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.49 dated 21.5.2018 under Sections 324, 323 and 34 of Indian Penal Code, 1860 (Section 326 of IPC was added later on) at Police Station Jaito, District Faridkot.

The FIR, in question, was lodged at the instance of Desh Singh, who has alleged that on 16.5.2018, when he was going towards Dharamshala from his house, then he was caught hold of by Ruldu Singh and when the complainant raised alarm his brother Pinder Singh and nephew Baljinder Singh came at the spot and arguments ensued between them. It is alleged that in the meantime, Kalu Singh son of Ruldu Singh came there armed with 'kappa' accompanied by Shera Singh, who was armed with a 'stick'. It is alleged that Kalu Singh gave a 'kappa' blow on the left ear of the

complainant as a result of which a part of his ear was cut-off. Shera Singh is alleged to have given a blow with '*stick*' while the complainant was lying down.

Notice of this petition was issued to the State.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that even as per the FIR, it is the co-accused Kalu Singh, who is attributed an injury with '*kappa*' on the ear of the complainant, which was declared as 'grievous'. It has further been submitted that although petitioner No.2 Shera Singh @ Sher Singh is stated to be armed with a '*stick*' and is alleged to have given a injury with the same but the MLR does not depict any such injury. It has further been submitted that in any case, petitioner No.1-Ruldu Singh, even as per FIR was unarmed. The learned counsel has further submitted that the present case is infact a case of cross-version, wherein the son of petitioner No.1 i.e. Kalu Singh had also sustained injury, regarding which there is no explanation in the FIR. It has also been submitted that petitioner No.1 being a handicapped person, as is evident from certificate Annexure P-6, deserves the concession of bail while also keeping in view that he is aged 53 years.

On the other hand, the learned State counsel has submitted that since the complainant has been caused a 'grievous injury' by the co-accused, who was accompanied by the present petitioners, no case is made out for grant of anticipatory bail to the petitioners.

Upon an query made by this Court, it has, however, been informed that the co-accused Kalu Singh had also sustained one simple injury on the back of his head. It has been informed by learned State counsel

that the petitioners have joined investigation pursuant to directions issued by this Court on 7.9.2018.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioners are not attributed any 'grievous injury' and were not even armed with any deadly weapon and also that petitioner No.1 is a handicapped person while petitioner No.2 is a young man of 20 years and both of them have already joined investigation, the present petition is hereby accepted and the interim directions issued by this Court vide order dated 7.9.2018 are hereby made absolute subject to the condition that the petitioners shall appear before the Investigating Officer as and when directed.

The present petition stands accepted accordingly.

1.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No