

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

CRM-M-48580-2017

Date of decision:-15.5.2018

Amandeep Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.R.S.Manhas, Advocate
for the petitioners.

Mr.Saurabh Khurana, DAG, Punjab.

Ms.G.K.Mann, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioners Amandeep Singh, Sunny @ Jatinder, Priya and Priyanka, all of them being accused in FIR No.80 dated 5.9.2017, under Sections 324, 323, 506, 148,149, 452 and 427 IPC, registered at Police Station Shahpur Kandi, District Pathankot.

Briefly stated, the facts of the case as per prosecution version

are that FIR in this case was registered on the basis of statement of complainant Sunita Devi wife of Ravinder Singh, resident of village Ghoh, aged about 34 years, in which she stated that she has two children, elder son Pratham Singh, aged 8 years and younger daughter Suneha Devi aged about 5 years; that her husband is an Ex. Army personnel; that on 2.9.2017 at about 6:30 to 7:00 p.m., when she was clearing the grass from her street near her house, then Amandeep Singh alias Marru, who was wearing an underwear only along with his cousin brother Sunny, sister Priya, cousin sister Priyanka, mother Bholi, paternal aunt Kamlesh Devi, paternal uncle Bhupinder Singh and Sahil came to the spot and started abusing her; that Amandeep Singh @ Marru caught hold of her and started giving her kicks and punches in her stomach, then the *daraat* which she was using for cutting the grass was snatched by Amandeep Singh @ Marru, who gave two blows to her with *daraat* hitting her below the elbow; that Amandeep Singh @ Marru again gave two blows, which hit her below elbow of right and left arm; that Amandeep @ Marru also tore her clothes; that she started running towards the gate; that Amandeep Singh @ Marru, his sister Priya, cousin Priyanka also ran after her and gave slaps to her, whereas Sunny threw bricks towards her hitting on the left side of her forehead and face; that she raised alarm, hearing which her husband Ravinder Singh came there, then Sunny gave a daang blow to Ravinder Singh hitting him on right side of back; that Sunny also picked up a brick throwing it towards Ravinder Singh, aimed at the right side of forehead; that thereafter all the four assailants went out of their house through the main gate and from outside also along with their other family

members threw stones and broke the main gate and CCTV camera installed outside their house. The injured were taken to Civil Hospital, Badani, where they were admitted and medico-legally examined. Due to serious condition of the complainant, she was referred to Civil Hospital, Pathankot, where she was treated.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions seeking grant of pre-arrest bail but their such application was dismissed by the Court of learned Additional Sessions Judge, Pathankot vide order dated 20.11.2017, as such they have knocked at the door of this Court asking for the similar relief.

Notice of the petition was given to the respondents. Complainant has appeared through Ms.G.K. Mann, Advocate, whereas State of Punjab has appeared through State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioners has contended that there is counter version of the incident also in which the present complainant and her husband were the aggressors and they had caused injuries to the persons belonging to petitioners side. The petitioners have since joined the investigation and no recovery is to be effected from them, therefore, they be granted concession of pre-arrest bail.

Whereas, the request is being opposed vehemently by learned State counsel and learned counsel for the complainant.

As per the counter version of the incident recorded vide GD No.20 dated 25.11.2017, on the basis of orders passed by Additional

Sessions Judge, Pathankot. As per version given therein on 2.9.2017 at about 6:30/7:00 p.m. while Kamlesh Devi wife of Bhupinder Singh of Rajput community, resident of village Ghoh, Police Station Shahpur Kandi was present in her house and washing the utensils in the courtyard, Sunita wife of Ravinder Singh armed with a datar started cutting the mango trees planted in their land in front of their house and when Kamlesh Devi tried to dissuade her from doing so, in the meanwhile, Suresh Kumari, a sister-in-law of Kamlesh Devi had also arrived there and she too tried to stop Sunita from cutting the mango tree, then Sunita Kumari called her husband – Ravinder Singh from roof, who was recording video of cutting of the trees with his mobile phone; that he came to the spot; that Amandeep Singh @ Marru son of Maan Singh of Rajput community came out of the house; that Ravinder Singh raised lalkara to see the members of their family stating that their arms be cut; that Sunita gave datar blow to Suresh Kumari and his nephew Amandeep Singh alias Marru raised his arms to rescue her and received blow on the left arm; that Kamlesh Devi snatched datar from Sunita and raised alarm, then Sunita and her husband ran away and entered the house; that the husband of Sunita started throwing bricks from their house, which hit Kamlesh on chest and on left arm of Amandeep Singh alias Marru. The injured were taken to hospital.

After hearing the rival contentions of the learned counsel for the parties and perusing the record, it comes out that it was a fight between two families over a small issue. There are two version of the incident and only during the trial, it can be determined, which of the party

was aggressor.

As the things stand, the petitioners have since joined the investigation and no recovery is to be effected from any of the petitioners. In that way, custodial interrogation of the petitioners is not found to be necessary.

Therefore, the interim bail granted to the petitioners on 19.12.2017 is made absolute, subject to their fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

15.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No