

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1085-2019 (O&M)
Date of Decision:-16.7.2019

Parshotam Singh @ Krishna and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Manbir Singh Basra, Advocate for the petitioners.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by SI Mohan Lal.

GURVINDER SINGH GILL, J.(Oral)

The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.51 dated 4.9.2018 at Police Station Bhaini Mian Khan, District Gurdaspur under Sections 323, 324, 325, 326, 148 and 149 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.

The FIR was registered at the instance of Angrej Singh @ Labha, wherein it has been alleged that on 31.8.2018 at about 8:30 P.M., when he alongwith Jaspal Singh was standing near shop of Gurmeet Singh, then Major Singh empty handed, Labha Singh son of Amarjit Singh empty handed, Parshotam Singh armed with Datar, Paramjeet Singh armed with iron rod, Gurmeet Singh armed with dang, Gurpreet Singh armed with bricks, Bau Singh empty handed and Jodha Singh empty handed came there

and attacked them. It is alleged that Major Singh raised a 'lalkara' exhorting his companions to catch hold of complainant etc. and to teach them a lesson for having voting in favour of the opposite party. Upon which, Parshotam Singh @ Krishna (petitioner) is alleged to have given a blow with '*datar*' hitting the right wrist of the complainant. Paramjeet Singh is stated to have given a blow with iron rod hitting the left palm of the complainant. Bau Singh and Jodha Singh are alleged to have caught hold of Jaspal Singh, while Gurpreet Singh hit the head of Jaspal Singh with brick. Gurmeet Singh is also alleged to have given a blow to Jaspal Singh with '*dang*'.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that infact it is a case of cross-version, wherein two members from the accused side i.e. the petitioner Parshotam Singh @ Krishna and Bau Singh also sustained injuries.

Opposing the petition, the learned State counsel has submitted that the alleged cross-version was duly inquired into by the police and was found to be false and since petitioners are specifically named in FIR and are attributed injuries as well, no case for grant of bail is made out.

I have considered rival submissions addressed before this Court and have also perused the MLRs in respect of Krishan and Bau Singh, which have been annexed with the petition as Annexure P-1.

A perusal of the MLR in respect of Krishan shows that he has sustained four injuries out of which three have been described in the nature of pain and one is a lacerated wound. The MLR in respect of Bau Singh shows that he has sustained four wounds out of which injury No.1 is an

incised wound on the occipital region of his head. Both the said persons are also named in the FIR being the alleged assailants. They were medically examined on 31.8.2018 i.e. on the day of the alleged occurrence at about 10:00 P.M., which would rather coincide with the occurrence as has been described in the FIR. There is no reference to the aforesaid injuries in the FIR necessarily indicating that the genesis of occurrence has been suppressed. In any case, Parshotam Singh @ Krishna is attributed one injury on the wrist of Angrej Singh and Paramjit Singh is attributed one injury with iron rod on the left arm of Angrej Singh, both of which are on non-vital parts. The injury attributed to Parshotam Singh @ Krishna has been declared as a 'grievous injury'.

Bearing in mind the seat of injuries as attributed to the petitioners and also the fact that two persons from the accused party have also sustained injuries, which have not been explained, it would certainly be debatable as to which of the party is aggressor. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 14.1.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation 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.

It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

The present petition stands accepted accordingly.

16.7.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge