

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

(I)

CRM-M-8155-2019 (O&M)
Date of Decision:-21.5.2019

Narata Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

(II)

CRM-M-10614-2019 (O&M)

Harpal Singh @ Pala and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Garg, Advocate for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of aforesaid two petitions filed on behalf of petitioners Narata Singh, Binder Singh @ Kali, Mukha Singh, Manga Singh, Harpal Singh @ Pala and Paramjit Singh @ Pamma Singh seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.189 dated 25.11.2018 at Police Station Sadar Samana, District

Patiala under Sections 326, 323, 324, 341, 427, 379-B, 148 and 149 of Indian Penal Code, 1860, wherein offence under Section 326 IPC was added lateron.

The FIR was lodged at the instance of Gurmukh Singh, wherein he has stated that they are having liquor vends under the name and style of 'Patran Wine Tender' and that they had come to know that certain residents of Village Marori were indulging in distilling illicit liquor and that when the complainant alongwith Nirmal Singh, Surinder Singh, Daler Singh and four excise police officials went to Village Marori, then they were attacked by Narata Singh, his brother Harpal Singh @ Pala, his relative Kali @ Binder Singh, his brother-in-law Pamma Singh, Mokha Singh and Mangu Singh alongwith 10-15 unidentified persons. While Harpal Singh @ Pala is alleged to be armed with a '*gandasa*', Pamma Singh is stated to be carrying a sword and others were carrying sticks and they all caused injuries to the complainant Gurmukh Singh as well as to Nirmal Singh and Daler Singh.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case due to political rivalries and that infact even the complainant does not have a clean record and several cases have been registered against him. The learned counsel has further submitted that, in any case, majority of the accused were armed with sticks and the injuries in question are in the nature of lacerations etc., therefore, the petitioners deserve the concession of anticipatory bail.

Opposing the petition, the learned State counsel while referring to the MLRs of Gurmukh Singh, Nirmal Singh and Daler Singh, has informed that while Gurmukh Singh sustained 8 injuries, Nirmal Singh was

found to be having 11 injuries and Daler Singh sustained 6 injuries out of which one was with a sharp edged weapon, which has been declared as a 'grievous injury'.

I have considered rival submissions addressed before this Court.

Seeing the number of injuries caused to the three injured, which turns out to be 25 in number, it is apparent that all the accused had gone together with the intention of causing injuries and had successfully caused injuries. However, apart from two of the accused namely Harpal Singh @ Pala and Pamma Singh, the remaining accused were stated to be armed with sticks.

Keeping in view the number of injuries and also the nature and seat of injuries, this Court is of the opinion that the accused, who were armed with deadly weapons i.e. Harpal Singh @ Pala, who was armed with a 'gandasa' and Paramjit Singh @ Pamma Singh, who was armed with a sword do not deserve the concession of anticipatory bail. The petition on behalf of Harpal Singh @ Pala and Paramjit Singh @ Pamma Singh, as such, is dismissed. However, the petition on behalf of the remaining accused, who were stated to be armed with sticks etc., is accepted and the interim directions issued by this Court vide order dated 22.2.2019 qua the said remaining accused are hereby made absolute subject to the condition that they 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 further ordered that in case the accused Harpal Singh @ Pala and Paramjit Singh @ Pamma Singh chose to surrender before the trial Court within a period of ten days from today and apply for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously preferably within a period of four days from filing of such application.

The petitions stand disposed of accordingly.

21.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No