

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

(I)

CRM-M-11159-2019
Date of Decision: 9.5.2019

SATTA MASIH AND ANR

.....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

(II)

CRM-M-14639-2019

CHIMAN MASIH AND ANR

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Dhawaljeet Dutta, Advocate
for the petitioners in both cases.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of petitioners – Satta Masih, Alt Masih, Chiman Masih and Gamma @ Gurnam Masih seeking anticipatory bail in respect of FIR registered against them vide FIR No.13 dated 3.2.2019 under Sections 323, 324, 326, 142, 148, 149 IPC, Police Station

Dhariwal.

2. The FIR was registered at the instance of Lakhwinder Singh wherein it has been alleged that on 30.1.2019 when complainant's son namely Balwinder Singh was going to his uncle's son, then he was attacked by Raja armed with '*Datar*', Dharma armed with Club (Stick), Gamma armed with '*Datar*', Chivman Masih armed with Club (Stick), Alt Masih who was empty handed and Satta Masih who was armed with stick. It is alleged that while Alt Masih raised a '*Lalkara*' exhorting his companions to teach complainant's son a lesson, the other accused dragged Balwinder Singh to the meat shop and confined him there. The complainant who was standing at a little distance along with his nephew rushed to rescue his son. It is alleged that Raja gave two blows with '*Datar*' from its reverse side to the complainant on his head and nose. Dharmo is stated to have given a blow with a stick on the mouth of the complainant. It is further alleged that assailants caused injuries to his nephew as well.
3. Learned counsel for the petitioners has submitted that none of the two grievous injuries is attributed to any of the petitioners and that the same were attributed to co-accused Dharmo and Raja. Learned counsel has further submitted that genesis of occurrence has been suppressed by the complainant inasmuch as petitioner-Alt Masih has also sustained four injuries including two abrasions which have remained unexplained casting a serious doubt on veracity of complainant's version.

4. Opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR, no case for grant of anticipatory bail is made out. It has however been informed that petitioners have since joined investigation in this case.
5. Having regard to the facts and circumstances of the case and bearing in mind that none of the grievous injuries is attributed to any of the petitioners and that injuries sustained by petitioner-Alt Masih are unexplained and that the petitioners have since joined investigation, in my opinion, it is a fit case for grant of anticipatory bail to the petitioners. The petitions, as such are accepted and interim directions issued vide order dated 12.03.2019 passed in CRM-M-11159-2019 and order dated 01.04.2019 passed in CRM-M-14639-2019 are made absolute subject to the condition that the petitioners 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.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

9.5.2019

Gaurav Sorot

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

Whether reportable? **Yes / No**