

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

CRM-M-12461-2019 (O&M)
Date of Decision:-20.5.2019

Binder Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.11 dated 9.2.2019 at Police Station Sadar Kapurthala, District Kapurthala under Sections 295, 452, 323, 506, 148 and 149 of Indian Penal Code, 1860.

Mr. Mahir Sood, Advocate has today put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

The FIR was lodged at the instance of Kashmir Singh, wherein he has stated that on the asking of the Sarpanch and other members of the Panchayat, he had made an announcement from the Gurudwara Sahib regarding the scheme of Punjab Government for providing employment to

some member in every house. It is alleged that pursuant to the aforesaid announcement, the complainant is stated to have received a phone call from Ram Singh, who threatened him with dire consequences for having made the announcement. It is alleged that later Buta Singh, Ex. Sarpanch armed with a 'wooden stick', Binder armed with 'iron datar' entered his room. It is stated that Binder gave a blow with his 'datar' but the same struck against the wall. Ram Singh is stated to have caught hold of the complainant from his beard and had slapped him removing his turban. Santokh Singh and his other associates are alleged to have raised '*lalkara*'. Shindu is stated to have hit the forehead of the complainant with '*panch*', Tajinder Singh is alleged to have given a blow with his '*karra*' (iron bangle) hitting the forehead of the complainant. Harbans Singh gave a fist blow on the right of eye and Buta Singh hit the complainant on his back with a 'wooden stick'. Binder Singh is also stated to have given a blow with '*datar*' from its reverse side on the back of the complainant. Satnam Singh and Jagtar Singh are stated to have slapped the complainant and Chanchal Singh is alleged to have jostled the complainant.

The learned counsel for the petitioners has submitted that a large number of accused have been named in the FIR and have been falsely implicated basically due to political rivalries and that, in any case, none of the injury is stated to be a 'grievous injury' and in these circumstances, the present case is not such, which would justify custodial interrogation.

Opposing the petition, the learned State counsel has not disputed the fact that none of the four injuries has been declared 'grievous' and that all the four injuries are simple in nature.

However, the learned counsel for the complainant has vehemently opposed the petition while submitting that the occurrence took place inside a Gurudwara and that since the complainant, who is a 'Granthi' was manhandled and his turban was removed, the same does not warrant taking a lenient view.

Having considered rival submissions addressed before this Court and while bearing in mind that all the alleged injuries have been found to be simple in nature, the present case is not a case, which would require custodial interrogation. The petition, as such, is accepted and it is ordered that in the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the 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.

The present petition stands accepted accordingly.

20.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No