

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

CRM-M-35632-2018
Date of decision:26.02.2019

Fatehbir Singh and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Rishu Mahajan, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners have approached this court seeking grant of anticipatory bail in respect of FIR No.38 dated 25.04.2018 under Sections 307, 452, 323, 324, 326, 148, 149/34 of the Indian Penal Code and Sections 25/27 of Arms Act, Police Station Bhindi Saidan, Amritsar.
2. The FIR in question was registered at the instance of complainant-Gurmeet Singh who alleged that on the day of occurrence when he along with other members of his family was present at his house, then Raghbir Singh; Amolak Singh armed with the rifle; Harpreet Singh armed with a '*Sickel*'; Bura Singh; Nirvail Singh armed with '*Sickel*'; Bura Singh s/o Balkar Singh having a 12 bore rifle; Gurlal Singh armed with '*Lathi*'; Fatehbir Singh armed with '*Sickel*';

Angrej Singh armed with a baseball bat; Nishan Singh armed with a 'Lathi'; Gurpreet Singh armed with 12 bore rifle; Satnam Singh armed with rifle along with 10/12 unidentified persons entered their house. Ragbir Singh exhorted his companions to teach complainant a lesson for having cut grass from their wheat crop.

3. It is alleged that Hapreet Singh hit Khazan Singh with a '*Sickel*' on his left hand and Nirvail Singh attacked Sheeto (aunt of the complainant) on her right eye-brow with the '*Sickel*'. When the complainant came forward to rescue them then Amolak Singh and Bura started firing from their rifles. Amolak Singh is alleged to have fired on the chest near naval of the complainant and Bura Singh is alleged to have fired on both the legs of the complainant. It is further alleged that the aforesaid persons ransacked the house of the complainant.
4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and in fact the police after investigation had already declared petitioner No.1-Fatehbir Singh as innocent. It is further submitted that the injury attributed to petitioner No.2-Nirvair Singh i.e. the injury alleged to have been caused to Aunt (Sheeto) of the complainant was found to be a simple injury only.
5. Learned State counsel while opposing the petition has submitted that since Nirvair Singh is specifically named in the FIR and had also inflicted an injury, no case for grant of anticipatory bail is

made out. It has however, been submitted that Nirvair Singh had already joined investigation.

6. Having regard to the facts and circumstances of the case especially the fact that petitioner No.1-Fatehbir Singh has already been declared innocent and petitioner No.2-Nirvair Singh is attributed simple injury only, I find it to be a fit case for grant of anticipatory bail. Accordingly the petition is accepted and the interim directions issued vide dated 20.08.2018 by this Court are hereby made absolute subject to the condition that 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.
7. The petition is accepted in the above mentioned terms.
8. 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

26.02.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No