

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

CRM-M-18621-2019 (O&M)
Date of Decision:- 20.5.2019

Gagandeep Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.S.Brar, Advocate, for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioners-Gagandeep Singh and Gurdit Singh seek grant of anticipatory bail in respect of a case registered against them vide FIR No.70, dated 7.11.2018, at Police Station Smalsar, District Moga, under Sections 324, 323, 34 IPC (offence under Section 326 IPC added later on).
2. The FIR was lodged at the instance of Ishar Singh wherein he has alleged that on the day of occurrence when he along with his son Hardeep Singh was going towards their fields, then the accused came there on two motorcycles. Gagandeep Singh was armed with a 'kirpan' and Gurdit Singh was carried a 'kulhari' and Sehajpal Singh

and one unknown person were accompanying them who started hurling filthy abuses. Gagandeep Singh is alleged to have given a blow of 'kirpan' on the son of the complainant. Gurdit Singh is stated to have given a blow with 'kulhari' hitting the left cheek of the complainant. Gagandeep Singh gave another blow with 'kirpan' to complainant's son hitting his left wrist. When the complainant fell down, the boy after snatching his 'soti' gave blows on his back, arm and shoulder. Gagandeep Singh is also stated to have inflicted more injuries to the complainant.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact the complainant has suppressed the genesis of occurrence inasmuch as one of the accused namely Sehajpal Singh had also sustained three injuries on his person. Learned counsel in this context has referred to the MLR annexed with the petition as Annexure P-2.
4. Opposing the petition, learned State counsel has submitted that while Ishar Singh sustained four injuries including an injury with a sharp edged weapon on cheek. He has further informed that Hardeep Singh also sustained three injuries including one injury with a sharp edged weapon on his wrist which has been declared as "grievous" and that in these circumstances no case for grant of anticipatory bail is made out.
5. I have heard rival submissions addressed before this court. The only grievous injury stated to have been caused to Hardeep Singh is on the non vital part. At the same time one of the co-accused namely Sehajpal Singh has sustained three injuries. Although the injuries

sustained by co-accused are in the nature of lacerations but one of the injury is 10 cm x 1 cm on the back of the skull, another injury 4 cm x . 5 cm is on the left side of the skull and third injury i.e. 5 cm x .5 cm is also on the skull and all the three injuries were found to be bleeding. It will certainly be debatable as to which of the party was aggressor. In these circumstances, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted. 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 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.

May 20, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No