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Date of decision : 07.02.2019

1.

Bhala @ Harpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

2.

Satbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Maninder Singh Dhindsa, Advocate
for the petitioner (CRM-M-44584-2018).

Mr. Dhawaljeet Dutta, Advocate
for the petitioner (CRM-M-46290-2018).

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr. Ajay Pal Singh Rehan, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two petitions.

These two petitions have been filed for grant of anticipatory bail to petitioner/s under Section 438 Cr.P.C. in case FIR No.88 dated 02.09.2018 registered under Sections 452/323/34 IPC at Police Station Dhariwal, District Gurdaspur.

The allegations made by the complainant were that when he was sleeping the two petitioners along with 2-3 other people came. Petitioner-Satbir Singh was armed with a sword and petitioner-Bhala @ Harpal Singh was armed with a sickle. They first gave him some blows inside his room and dragged him out side. Satbir Singh gave him 3 blows with his sword which hit on left hand side of his forehead while Bhala @ Harpal Singh gave 3 reverse side of his sickle blow upon him, out of three blows, two blows hit on his back side of his shoulder whereas one blow hit on his right shoulder.

The argument of learned counsel for the petitioner/s stated that even from the FIR it is clear that the alleged incident occurred in the street and the story about the people coming into the room was added just to make the offense more serious. He has further argued that if indeed injuries had been caused by sickle and sword could not have resulted only in offences under Section 325/324 IPC.

On the last date counsel for the complainant had argued that the antecedents of the petitioner/s were not clean. Status report was summoned which filed today by way of affidavit of Swarandeep Singh, PPS, Senior

Superintendent of Police, Gurdaspur on behalf of State in **CRM-M-46290 of 2018** is taken on record. Copy supplied to the counsel opposite. As per the status report there is no other FIR against the petitioner-Bhala @ Harpal Singh. Against petitioner-Satbir Singh there were 4 other FIRs. In two he was acquitted, one was cancelled and in the 4th one also cancellation report has been prepared.

In this view of the matter, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners. Resultantly, the petition is allowed. In the event of arrest of the petitioners, they shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners are directed to appear before the investigating officer on 15.02.2019 and on any other date as and when their presence is required.

Since the main cases have been decided, the pending criminal miscellaneous applications, if any, also stand disposed of.

07.02.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No