

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

CRM-M-45755-2018 (O&M)

Date of Decision:- 5.2.2019

Labh Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karanjit Singh Gill, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.56, dated 21.8.2018, registered at Police Station Sadiq, District Faridkot, under Sections 452, 324, 323, 148, 149 IPC (Sections 325 and 326 IPC added later on).
2. The FIR was registered at the instance of Harpreet Singh wherein it has been alleged that on the day of occurrence when he along with his mother Jaswinder Kaur, father Sher Singh, brother Jagjeet Singh @ Gaggi were sitting in verandah of their house, then at about 9.30 p.m. Maninder @ Kala carrying 'kapa', Davinder Singh @ Vicky carrying 'gandasa', Harjinder Singh @ Gyani carrying a 'stick', Labh Singh carrying 'baseball bat' and Gurbhej Singh, scaled the wall of

their house and entered the house and challenged them and said that who would stop them from sitting in the street. Maninder Singh @ Kala walked up to the complainant and gave a blow with 'kapa' near the elbow joint of left arm and then Davinder @ Vicky gave a 'gandasa' blow near the elbow of right arm and then Vicky gave a 'gandasa' blow on his back. Labh Singh is stated to have inflicted a 'baseball bat' blow on his left foot. Harjinder Singh @ Gyani allegedly hit him with 'stick' on his head.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case mainly on account of the fact that he is a Government servant and a friend of the accused so that the accused may come under pressure.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also alleged to have inflicted a blow with 'baseball bat' on the left foot of the complainant, no case for grant of anticipatory bail is made out. It has however, been informed that the petitioner indeed a Government servant.
5. Having regard to the facts and circumstances of the case and bearing in mind the role attributed to the petitioner and also the fact that the chances of false implication of the petitioner being a Government employee cannot be ruled out, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and interim directions issued vide order dated 16.10.2018 are made absolute subject to the condition that the petitioner shall appear and join the

investigation as and when called upon to do so and cooperate with the Investigating Officer and shall 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.

February 5, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No