

**208/3 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.46214 of 2018 (O&M)

Date of Decision:-19.11.2019

PRITPAL SINGH

.....Petitioner

V/S

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ishan Gupta, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab.

Ms. Poonam Verma, Advocate
for the complainant.

ARUN KUMAR TYAGI,J. (ORAL)

The petitioner has filed the present petition for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No. 75 dated 29.05.2018 registered under Sections 307,341,342,324,323,506,427,148,149 and 201 of the Indian Penal Code, 1860 (for short, "IPC") at Police Station Sadar, Dhuri District Sangrur to which Section 364 IPC has been added lateron.

The above said FIR was registered on the statement of Dharamjit Singh. In his statement, Dharamjit Singh alleged that on 28.05.2018 at about 8:30 PM, he was going on his motorcycle to visit the fields of his uncle Nihal Dass Chela Narain Dass Mahant resident of Ghanauri Kalan followed by his uncle Mahant Nihal Dass and his younger brother Karamjit

Singh in their Innova Car. One black coloured Scorpio driven by co-accused Jatinder Singh @ Goldy came. Co-accused Gurmail Singh, Saudagar Singh, **Pritpal Singh @ Pirthi Singh (the petitioner)** and Jagjit Singh @ Jaggi, who were armed with Kirpan, Iron Rod, Baseball bat and sticks respectively were sitting in the said Scorpio. Co-accused Gurmail Singh exhorted his co-accused to teach the complainant a lesson and inflicted blow with kirpan on his head towards right side while **Pritpal Singh @ Pirthi Singh (the petitioner)** inflicted blow with baseball bat on his forehead towards right side, co-accused Saudagar Singh inflicted blow with iron rod on his back, Jagjit Singh inflicted blow with stick on his right leg. Jatinder Singh @ Goldy inflicted blow with stick on his right leg. Thereafter Saudagar Singh hit blow with rod on his left leg, **Pritpal Singh @ Pirthi Singh (the petitioner)** hit his right knee, Jagjit Singh @ Jaggi hit with stick his right leg and Jatinder Singh @ Goldy hit his back with stick. When he raised hue and cry, his uncle Nihal Dass and brother Karamjit Singh reached and came to his rescue on which the assailants tried to run away with their respective weapons after breaking front glass and bonnet of car of his uncle-Nihal Dass. The assailants also took him in their vehicle to the house of co-accused Gurmail Singh, where they washed his bloodstained clothes, gave him bath and made his video and asked him to confess that he had come to Gurmail Singh's house and threatened to kill him by burning. He came out from there by making requests and thereupon his uncle got him admitted in Civil Hospital, Dhuri. The complainant accordingly requested the police to take action against the above said assailants who had caused injuries to him with intention to kill him.

Learned Counsel for the petitioner has argued that the

petitioner has been falsely implicated. The petitioner is alleged to have inflicted blows with baseball bat on forehead towards right side and right knee of the complainant and the injuries attributed to him were declared in the MLR to be simple in nature. The petitioner is not involved in any other case. In compliance with order dated 17.10.2018 the petitioner joined investigation and his custodial interrogation is not required in the case. Therefore the order granting interim anticipatory bail to the petitioner may be made absolute.

On the other hand, learned State Counsel and learned Counsel for the complainant have argued that the petitioner is accused of having committed serious offences. Therefore, the petitioner does not deserve the concession of anticipatory bail and the petition for anticipatory bail may be dismissed.

Keeping in view the facts and circumstances of the case particularly that the petitioner is alleged to have inflicted blow with baseball bat on forehead of the complainant towards right side and on his right knee and the injuries attributed to the petitioner were declared to be simple and also the fact that on grant of interim protection the petitioner re-joined the investigation which is stated to be complete and his custodial interrogation is not required in the case but without commenting on merits in any manner I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore the petition is allowed and interim anticipatory bail, granted vide order dated 17.10.2018 withdrawn vide order dated 08.01.2019 which was stayed vide order dated 28.02.2019 and again granted vide order dated 21.05.2019, is made absolute.

CRM-M No.46214 of 2018 (O&M)

-4-

However in case of commission of any offence of similar nature by the petitioner in future the bail of the petitioner in this case shall also be liable to be cancelled on filing of application in this regard.

The petitioner shall comply with the conditions enumerated in Section 438(2) of the Cr.P.C failing which the petitioner will not be entitled to the protection of this anticipatory bail order.

19.11.2019

(ARUN KUMAR TYAGI)

Rajeev (rvs)

JUDGE

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