

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

CRM-M-48953-2018 (O&M)

Date of Decision:-6.3.2019

Gurvinder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurpreet Singh Sandhu, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.251 dated 18.9.2018 at Police Station Sadar Dabwali, District Sirsa, Haryana under Sections 148, 149, 323, 324, 326 and 341 of Indian Penal Code.

The FIR was registered at the instance of complainant Raja Singh, wherein it has been alleged that he is having land adjacent to the land of Jaskaran Singh and that an electric transformer has been installed on the bounday of his land but Jaskaran Singh and his sons used to disconnect the electric supply, to which the complainant had been objecting and had also made a complaint to the police. It is alleged that on the day of occurrence when the complainant was going towards 'Gurudwara', Jaskaran Singh accompanied by his sons Lovepreet Singh and Ajaypreet Singh and his

nephew Gurvinder Singh and two other persons way laid him and gave beatings to him with 'sword', iron rod and 'sticks'. It is alleged that Lovepreet Singh and Ajaypreet Singh gave blows with 'swords' on the fingers of left hand of the complainant, while Jaskaran Singh inflicted 2-3 blows with iron rod on his left upper arm. Gurvinder Singh, who was carrying an iron rod, and two other persons, who were carrying 'sticks', gave blows with the same on the waist, head and thighs of the complainant. When the complainant raised alarm, then his nephew Jagdeep Singh and other villagers came to the spot and rescued him.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case merely in order to exert pressure as he happens to be nephew (sister's son of Jaskaran Singh). The learned counsel has further submitted that, in any case, although the petitioner is named in the FIR, but no specific injury has been attributed to him inasmuch he along with two other persons are stated to have caused injuries on waist, head and thighs of the complainant.

Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that since the petitioner is specifically named in the FIR and the complainant was found to be sustaining as many as four injuries including an injury on the thigh, the complicity of the petitioner is evident. It has, however, been informed by the learned State counsel that the petitioner has joined investigation and an iron rod has been recovered.

The learned counsel for the complainant has, however, pointed out that the police is all out to favour the accused and has gone to the extent of declaring Jaskaran Singh as 'innocent', although he was very much

present at the spot and that in case the present petitioner is granted bail, he is likley to tamper with evidence and influence witnesses.

Having considered rival submissions addressed before this Court and bearing in mind the role of the petitioner and the fact that he has joined investigation, in my opinion, no case for custodial interrogation is made out. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 2.11.2018 are hereby made absolute subject to the condition that the petitioner 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.

It is, however, made clear that the complainant would be at liberty to produce before the Investigating Officer all such evidence indicating the involvement and presence of Jaskaran Singh at the spot, which shall be duly examined by the Investigating Officer and a decision regarding the same shall be taken upon thoroughly investigating the matter and also after taking the call-details record, if any, is available.

It is further made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

The present petition stands accepted accordingly.

6.3.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No