

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(I)

CRM-M-54521-2018

Date of Decision:28.02.2019

Sinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

(II)

CRM-M-61591-2018

Tajinder Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. S.S. Momi, Advocate
for the petitioners in both cases.

Mr. Aditi Girdhar, AAG, Haryana in both cases.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of petitioners-Sinder Singh and Tajinder Singh seeking anticipatory bail in respect of FIR registered against them vide FIR No.224 dated 5.11.2018 under Sections 323, 324, 326, 452, 506, 427/34 of the Indian Penal Code, Police Station Ismailabad, District Kurukshetra.

2. Mr. Pawan Attri, Advocate has put in appearance on behalf of the complainant and has filed power of attorney, which is taken on record.
3. The FIR was lodged at the instance of Gulab Singh wherein it has been alleged that on 4.11.2018 when he along with his servant Pintu was present at his pig farm then Jaspal Singh carrying a '*Gandasa*' entered his farm and attacked him. The complainant in order to save himself picked up an iron pipe but Jaspal Singh gave a blow on the head of the complainant and when the complainant raised his hand to ward off the said blow, the '*Gandasa*' hit his fingers. It is further alleged that Tajinder Singh who was carrying a sharp '*Barcha*' fixed on one end of stick and Sinder Singh carrying a stick also reached at the spot and started abusing them. It is further alleged that Tajinder Singh gave a blow with his stick on the right shoulder of the complainant as a result of which the complainant sustained internal injuries on his right shoulder. Sinder is alleged to have given a blow with '*Lathi*' on the right arm of Pintu.
4. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that the MLR of the complainant would reveal that no injury was sustained by him on the shoulder although as per FIR Tajinder Singh is alleged to have caused a blow with stick on the shoulder of the complainant.
5. Opposing the petitions, learned State counsel assisted by learned

counsel for the complainant have submitted that during the course of investigation one '*Gandasa*' had been recovered from the petitioner Tajinder Singh and that the petitioners have also been involved in an identical case and in these circumstances no case for grant of anticipatory bail is made out. It has, however, been informed by learned State counsel that the petitioners have since joined investigation.

6. I have considered rival contentions addressed before this Court. It is noticed that although the FIR discloses that Tajinder Singh was carrying '*Barcha*', but as per investigation one '*Gandasa*' is stated to have been recovered from him. Further while FIR reveals that Tajinder Singh is alleged to cause injury on the shoulder but the MLR does not disclose any injury on the shoulder of the complainant. As regards the petitioner-Sinder is concerned he is attributed simple injuries to Pintu with the help of stick. Both the petitioners in any case have already joined investigation.
7. Having regard to the aforestated facts and circumstances, in my opinion, it is a fit case for grant of anticipatory bail. The petitions, as such are accepted and interim directions issued vide order dated 10.12.2018 passed in CRM-M-54521-2018 and order dated 20.12.2018 passed in CRM-M-61591-2018 are made absolute subject to the condition that the petitioners would appear before Investigating Officer 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.

8. The petitions are accepted in the above mentioned terms.
9. It is, however, clarified that in case the petitioners ever misuse the concession of anticipatory bail, it would be open for the prosecution to move an application for cancellation of their bail.
10. It is also clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

28.02.2019
Gaurav Sorot

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