

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

CRM-M-26282-2019 (O&M)

Date of Decision:- 18.9.2019

Charanjit Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Sodhi, Advocate, for the petitioners.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Balbeer Singh.

Mr. Amit Dhawan, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of the cross-version registered vide DDR No.28, dated 8.5.2019 in FIR No. 52, dated 30.4.2019, registered at Police Station Maqsudan, District Jalandhar, under Sections 323, 354, 34 IPC.
2. It was at the instance of petitioner No.2 that FIR No.52, dated 30.4.2019 was lodged wherein it has been alleged that on 14.4.2019

when petitioner No.2 Pargat Singh was present at his house, he heard a loud noise coming from the side of 'chowk'. When the complainant went out of his house, he saw that his uncle Jagir Singh along with his son Jagjit Singh, who were armed with baseball bats as well as Amarjit Singh and his brother Preet who were armed with handles of 'spade' were giving beatings to complainant's brother Charanjit Singh. When the complainant went forward to rescue his brother, the said persons gave beatings to the complainant as well. It is alleged that complainant's brother Charanjit Singh sustained injuries on his forehead, back of neck, right arm, right leg and on other parts of his body.

3. Subsequently i.e. on 8.5.2019 a cross-version was recorded at the instance of Jagjit Singh wherein he alleged that on 14.4.2019 when he was present in the house, then he heard a loud noise of his father Jagir Singh and of his elder sister-in-law Manjinder Kaur. Upon hearing said noise he rushed to the street and saw that Charanjit Singh, Pargat Singh and Resham Singh were giving beatings to his father and sister-in-law. It is alleged that while Charanjit Singh was carrying an 'iron rod', Pargat Singh was carrying a 'gandasi' and Resham Singh was carrying a 'stick'. When Jagjit Singh tried to rescue his father and sister-in-law, then Charanjit Singh is alleged to have given a blow with 'iron rod' hitting him on his left eyebrow. Pargat Singh is alleged to have given a blow of 'gandasi' on his left cheek and Resham Singh is stated to have given a blow with 'stick' on the finger of his right hand. It has further alleged therein that

Charanjit Singh gave slaps to Manjinder Kaur and in order to outrage her modesty also tore her clothes and pulled her hair and threw her in street.

4. Learned counsel for the petitioners has submitted that a false version has been cooked up in the shape of lodging of the aforesaid DDR which is apparently a counter-blast lodged much after lodging of the FIR which was lodged at the instance of petitioner No.2. It has further been submitted that in fact the police during investigation has already deleted the offence under Section 354 IPC.
5. Opposing the petition, learned State counsel, assisted by learned counsel for the complainant has submitted that since specific and categorical allegations are levelled in the DDR, no case for grant of bail is made out. Learned counsel for the complainant has submitted that the police has in fact not acted fairly by deleting offence under Section 354 IPC and that he has already moved an application to the higher authorities in respect of the same. It has been informed by learned State counsel that in the FIR case, the accused have already been granted bail.
6. I have considered rival submissions addressed before this Court. Bearing in mind the fact that it is a case of cross-version wherein other party has already been granted bail and also the fact that offence under Section 354 IPC has been deleted, the present case is certainly not such which would warrant custodial interrogation. The petition, as such, is accepted and interim directions issued vide order dated 4.6.2019 are made absolute subject to the condition that the

petitioners 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.

September 18, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No