

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

CRM-M-30182-2019 (O&M)
Date of Decision:- 22.7.2019

Buta Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.S.Kainth, Advocate, for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Buta Singh seeks grant of anticipatory bail in respect of a case registered vide FIR No.42, dated 8.4.2019, registered at Police Station Daba, District Police Commissionerate Ludhiana, under Sections 452, 323, 324, 506, 148, 149 IPC (Section 326 IPC added later on).
2. The FIR was lodged at the instance of Harpreet Singh @ Sunny, wherein it has been alleged that on the day of occurrence, he as well as his brother Harpreet Singh and his cousins Lakhwinder Singh and Rajat Singh, were attacked by Nihal Singh @ Nihala, Buta Singh, Bobby, Bholu along with 8-10 unidentified persons who were carrying 'daat', 'stick' and other deadly weapons. It is alleged that

Bobby gave a blow with 'daat' on the left hand of Harpreet Singh. Buta Singh is alleged to have given a blow with 'kirpan' to Lakhwinder Singh which landed on the fingers of his right hand. Nihala and his friends are stated to have caused multiple injuries to Rajat with their respective weapons.

3. Learned counsel for the petitioner has submitted that the petitioner is not attributed the 'grievous injury' which had been caused by Nihal Singh. Learned counsel has further submitted that although the petitioner is alleged to be armed with 'kirpan' and is stated to have given a blow on the fingers of right hand of Lakhwinder Singh, but a perusal of MLR in respect of Lakhwinder Singh would show that out of the four injuries sustained by him, three are in the nature of lacerations on his head, left arm and lower back and the fourth injury has been described as a crushed nail injury and that it will certainly be debatable as to whether the said crush injury could be a result of 'kirpan' blow or not.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It is however not disputed that the 'grievous injury' is attributed to co-accused Nihal Singh @ Nihala.
5. Having considered rival submissions addressed before this court, this Court finds that it would be certainly debatable as to whether the crush injury found on the nail of one of the fingers of Lakhwinder Singh can be said to be a result of blow with 'kirpan' or not. In any case, the petitioner is not attributed any 'grievous injury' and in these

circumstances, it is not a case warranting custodial interrogation. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.

6. The present petition stands accepted accordingly.

July 22, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No