

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

**CRM-M-43739-2019
Date of decision: 16.10.2019**

Hardev Pal Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vipin Mahajan, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in GD No. 29 dated 21.06.2019 under Sections 326, 325, 323, 324, 336, 34 of the IPC, Police Station Bhaini Mian Khan, Gurdaspur registered in FIR No. 47 dated 19.06.2019, registered under Sections 326, 324, 323, 341, 336, 379, 427, 148, 149 of the IPC and Section 25 of the Arms Act at Police Station Bhaini Mian Khan, District Gurdaspur (Sections 326, 379 IPC and 25 of the Arms Act stand deleted later on).

Learned counsel for the petitioners submits that as per allegations in the cross version, registered at the instance of Balwant Singh @ Kaku, aged about 60 years, it is stated that he along with his nephew Kuldeep Singh @ Sabi, son Baljit Singh and one Balwinder Singh were putting sand in the village's cremation ground with the help of his tractor on 10.06.2019. In the meantime, petitioner No. 1 Hardev Pal Singh came in his car along with his brother Vikrant and petitioner No. 2 Gurdev Pal Singh and Mansa Ram. Petitioner No. 1 rammed his car into complainant's tractor

and when he objected to the same, Hardev Pal Singh and Vikrant came out of their car armed with baseball bats and Gurdev Pal Singh armed with *datar* and Mansa Ram armed with sword also came out of the car. Thereafter, petitioner No. 1 Hardev Pal Singh raised *lalkara* to teach them a lesson for working as Sarpanch. In the meantime, Vikrant gave two baseball bat blows which hit on the head and shoulder of complainant Balwant Singh @ Kaku. Then Mansa Ram attacked with his sword which hit on the elbow of the left arm of complainant. Petitioner No. 1 Hardev Pal Singh gave two baseball bat blows which hit on the right hand and left thigh of the complainant. Petitioner No. 2 Gurdev Pal Singh attacked with his *datar* which hit on the right leg and when the complainant shouted for help, some other persons came there and rescued him.

Learned counsel for the petitioners further submits that in fact petitioner No. 1 Hardev Pal Singh got the aforesaid FIR No. 47 registered against the accused persons, in which he has stated that the complainant party came on a tractor armed with weapons and rammed the tractor in his car and thereafter, they gave him beatings.

Learned counsel for the petitioners further submits that in fact petitioner No. 1 has suffered number of injuries and he has relied upon medico-legal report and the other reports including the photographs to argue that petitioner No. 1 has suffered multiple injuries on his both legs and in total he has suffered eight injuries.

Learned counsel for the petitioners further argues that even as per the allegations in the cross version, no grievous injury is attributed to petitioner Nos. 1 and 3. It is further submitted that the cross version was registered after much delay and under the influence of the local politician as

a counter blast to the FIR registered by petitioner No. 1.

Learned counsel for the petitioners further submits that anticipatory bail application filed by complainant Balwant Singh @ Kaku was dismissed as withdrawn, vide order dated 24.09.2019 passed in CRM-M-40348-20109.

After hearing learned counsel for the petitioners, I find no ground to grant them concession of anticipatory bail.

The incident is admitted by the petitioners and it is the own case of the petitioners that both the parties have suffered injuries. Moreover, there are specific allegations against the petitioners that they have caused injuries to complainant Balwant Singh @ Kaku, in which one of the injuries was declared grievous invoking Section 326 IPC. All the three petitioners were armed with baseball bat, sword etc. and, therefore, I find that the petitioners are not entitled to get anticipatory bail as their custodial investigation is required.

Petition is dismissed accordingly.

16.10.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No