

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

CRM-M-61677-2018 (O&M)

Date of Decision:-11.3.2019

Gurnand Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Singla, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide DDR No.35 dated 12.11.2018 registered under Sections 452, 323, 325, 148 and 149 of Indian Penal Code, wherein offence under Section 307 IPC was added later on, arising out of FIR No.229 dated 10.11.2018 registered at Police Station Sadar Mansa, District Mansa under Sections 302, 201, 120-B and 511 of Indian Penal Code, 1860 and Section 27 of Arms Act.

Initially, the petitioner had lodged FIR No.229 dated 10.11.2018 at Police Station Sadar Mansa, District Mansa under Sections 302, 201, 120-B and 511 of Indian Penal Code, 1860 and Section 27 of Arms Act against Jaspal Kaur, Gurmail Singh, Jarnail Singh and Gurjeet Singh @ Jeeta. Subsequently, one of the accused nominated in the said FIR namely

Gurjeet Singh @ Jeeta got recorded his statement on the basis of which DDR No.35 dated 12.11.2018 registered under Sections 452, 323, 325, 148 and 149 of Indian Penal Code, wherein offence under Section 307 IPC was added later on, was recorded, wherein it has been alleged that on the day of occurrence, when he was present in his house, then somebody knocked at the door and when he had opened the door, he saw 10-12 persons standing there armed with 'sticks' and 'gandasis'. Sukhpreet Singh is stated to have caught hold of the complainant from back. Bagga Singh, who was armed with a 'heavy stick' (*Bali*) hit the complainant on his head with the same. Thereafter, the petitioner Gurnand Singh is alleged to have raised a *lalkara* that complainant be not spared and gave a blow with 'stick' on complainant's shoulder. Jadgeep Singh armed with a base ball bat gave a blow with the same on complainant's wrist. Gagandeep Singh gave a blow with base ball bat hitting the shoulder of complainant, while the complainant was lying fallen down on the ground. Another 5-6 persons, who were accompanying them, gave punches to him.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, the offence under Section 307 IPC stands deleted vide DDR No.32 dated 9.1.2019. It has further been submitted that apparently it is a case where the opposite party was the aggressor having murdered Sukhpreet Singh, nephew of the petitioner.

Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and the MLR also reveals an injury on the shoulder, no case for grant of anticipatory bail is made out. It has, however, been informed that the petitioner has since joined

investigation. It has also been affirmed that offence under Section 307 IPC stands deleted.

Having considered rival submissions addressed before this Court, I find that it is a case of cross-version, where the nephew of the petitioner had been murdered and that all the injuries allegedly sustained by Gurjeet Singh @ Jeeta have been caused with blunt weapons. It will be debatable as to which of the party is aggressor. The petitioner has since joined investigation. In view of said facts, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 20.12.2018 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.

The present petition stands accepted accordingly.

11.3.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No