

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

CRM-M-50224-2019 (O&M)

Date of decision : 13.12.2019

Lakhvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Nigha, Advocate for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab
alongwith ASI Subash Chand.

ANIL KSHETARPAL, J. (ORAL)

On 27.11.2019, following order was passed by this Court:-

“Petitioner prays for grant of pre-arrest bail in a criminal case arising out from FIR No. 202, dated 21.10.2019, registered under Sections 323/324/506/34 IPC and Section 326 IPC added later on, at Police Station Dehlon, District Ludhiana.

Facts as noticed by the learned Court of Sessions are extracted as under:-

6. In the present case, FIR was got registered at the instance and on the statement of Sukhwinder singh son of Ram Singh. It is in accusations that the complainant is a truck driver by profession. Besides, it he is also an active Panch of Warch No.1. Harpinder Kaur daughterin-law of Nachhatar Singh son of Sucha Singh of their village was having dispute with her mother-in-law Ranjit Kaur since many days due to which the relatives of Harpinder

Kaur namely Lakhvir Singh, Harsewak Singh, Jatinder Singh and Bhago, resident of Sahnewal were also come to the house of Nachhatar Singh. Ranjit Kaur wife of Nachhatar Singh called the Sarpanch Jagmail Singh alias Jagga, Bhinder Panch and him in her house for the purpose of talking on the matter in dispute. Sarpanch Jagmail Singh alias Jagga had gone to the house of Nachhatar Singh prior to them. At about 5:30 P.M., when he and Panch Bhinder Singh reached the house of Nachhatar Singh, they saw that Lakhvir Singh and Jatinder Singh used abusive language towards the wife of Nachhatar Singh outside the gate of house of Nachhatar Singh. On seeing them, Jatinder Singh took his 'gatra kirpan' and gave hit blow on the person of Tarsem Singh which hit in his stomach. Lakhvir Singh also took his 'gatra kirpan; and tried to gave kirpan blow on the person of Jagmail Singh alias Jagga and when the complainant tried to stopped Lakhvir Singh from doing so, the kirpan blow hit on his left side. Harsewak Singh also gave fist blows on the person of Gurmail Singh. It is further in accusations that all the accused persons were manhandled with Gurmail Singh, Ranjit Kaur and Tarsem Singh. The complainant raised hue and cry. Thereafter, Lakhvir Singh, Jatinder Singh along with their respective weapons and Harsewak Singh and Bhago fled away from the spot while threatening them. Ranjit Kaur wife of Nachhatar Singh, Sarpanch Jagmail Singh alias Jagga and Panch Bhinder were the eye witnesses of the alleged occurrence. Thereafter, he was taken to Civil Hospital, Ludhiana where he was still under treatment. Thus, the present FIR.”

Learned counsel for the petitioner contends that the offence under Section 326 IPC has been added subsequently by the police after the injured had managed opinion from private doctor. He further submits that the petitioner is a truck driver and is sought to be falsely implicated along with his son.

Notice of motion for 13.12.2019.

On asking of the Court, Mr.SPS Tinna, Addl.A.G.,Punjab, accepts notice on behalf of the State. A copy of the petition be handed over to Mr.SPS Tinna, Addl.A.G.,Punjab, during the course of the day.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the State, on instructions from ASI Subash Chand, has submitted that the petitioner has joined investigation, cooperated and not required for further custodial interrogation.

In view thereof, interim order dated 27.11.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

13.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No