

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

CRM-M-53816-2018

Date of Decision:21.05.2019

AMRITPAL SINGH & ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

....Respondent

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**CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL**

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Present:     Mr. K.S. Sidhu, Senior Advocate with  
                  Mr. Dushyant Sarvesh, Advocate  
                  for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. C.S. Jattana, Advocate  
for the complainant.

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**GURVINDER SINGH GILL, J. (ORAL)**

1.   Although present petition had been filed on behalf of Amritpal Singh and Naib Singh, but subsequently petition on behalf of Amritpal Singh has been withdrawn by learned counsel for the petitioner on 26.02.2019.
2.   The petitioner-Naib Singh seeks grant of anticipatory bail in respect of FIR No.64 dated 28.10.2018 under Sections 323, 324, 506, 148, 149 of the Indian Penal Code (Section 326 IPC added later on), Police Station City Morinda, District Rupnagar.
3.   The FIR was lodged at the instance of Dilbar Singh wherein it has been

alleged that on 26.10.2018 when he was cultivating his land, then he was attacked by Nirmal Singh, Naib Singh, Amritpal Singh, Maha Singh and Surmukh Singh. It is alleged that Nirmal Singh gave a blow with 'Kirpan' which hit the index finger of the complainant and resultantly the same was cut. Naib Singh is stated to have given a blow with axe on the head of the complainant. Amritpal Singh is also alleged to have given a blow towards the complainant but the complainant managed to save himself by moving aside. Surmukh Singh is stated to have caught hold and thrown down the complainant from the tractor and thereafter all the accused are alleged to have given fist blows to the complainant.

4. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and in fact the genesis of the occurrence has been suppressed inasmuch as even accused-Naib Singh has sustained as many as 4 injuries including injury caused with some sharp edged weapon. Learned counsel for the petitioner submitted that the alleged injury on the finger of Dilbar Singh could have been self-suffered injury for the purpose of falsely implicating the accused/petitioner and that in any case the injury attributed to the petitioner is declared simple in nature.
4. Opposing the petition, learned State counsel has submitted since the finger of the complainant-Dilbar Singh was chopped off, no case for grant of anticipatory bail is made out. It has further been informed that although a cross-version was registered pertaining to injury sustained by accused-Naib Singh, but cross-version has been cancelled.

However, it has been informed that the matter is still under investigation and challan is yet to be presented.

5. Having considered rival contentions addressed before this Court and while noticing that it is a case where even one of the accused sustained injury with sharp edged weapon and injury attributed to the petitioner is simple in nature and co-accused Nirmal Singh has already been granted regular bail, in my opinion, it is not a case where custodial interrogation is warranted. The petition as such, is accepted. In the event of arrest of the petitioner-Naib Singh, he shall 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. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**21.05.2019**

Gaurav Sorot

**( GURVINDER SINGH GILL )  
JUDGE**

Whether reasoned / speaking?      **Yes / No**

Whether reportable?      **Yes / No**