

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

(I) CRM-M-62057-2018 (O&M)
Date of Decision:-5.7.2019

Amanpreet Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

(II) CRM-M-75775-2018 (O&M)

Gurdev Kaur ... Petitioner

Versus

State of Punjab ... Respondent

(III) CRM-M-64754-2018 (O&M)

Jalandhar Singh and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepanshu Mehta, Advocate for the petitioner(s).

Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab.

Mr. K.L. Saini, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid three petitions filed on behalf of the petitioners Amanpreet Singh, Jagroop Singh, Gurdev Kaur, Jalandhar Singh

and Gurpreet Singh seeking grant of anticipatory bail in respect of a case registered vide FIR No.45 dated 20.7.2018 at Police Station Sadiq, District Faridkot under Sections 324, 323, 148 and 149 of Indian Penal Code, wherein vide DDR No.22 dated 8.10.2018, offence under Section 326 IPC was added.

2. The FIR was lodged at the instance of injured Nirmal Singh. As many as six persons have been arrayed as accused, who are stated to be armed with sticks, gandasi and kulhari. Jalandhar Singh is alleged to have caused injury with 'gandasi' on index finger of left hand of complainant. Nachhatar Singh, as per FIR, was armed with a stick and is attributed one blow on the left arm of the complainant-Nirmal Singh. Aman gave a blow with stick on knee. Jagroop gave axe blow on index finger of right hand. Sabha is stated to have given 'takua' blow on middle finger of right hand. Jalandhar gave another blow with 'gandasi' on middle finger of right hand. Gurdev Kaur gave stick blow on back. Jagroop gave axe blow on left ear. Sabha gave takna blow behind ear. Jagroop gave 'gandasi' blow from its reverse side which hit on the right side of head of injured Nirmal Singh. Nirmal Singh is alleged to have received as many as 12 injuries both simple and grievous. Complainant's son Gursewak Singh is also alleged to have sustained one injury on his head which had been declared as a simple injury. It is also the case of prosecution that Nirmal Singh had sustained incised wounds on fingers of both of his hands which have been declared as 'grievous injuries'.
3. Learned counsel has submitted that in fact it is a case where even the accused party had sustained injuries which have not been explained. It has been submitted that while Jalandhar Singh from accused party sustained 5

injuries, Aman sustained 2 injuries and Jagroop Singh sustained 8 injuries and that in these circumstances it will certainly be debatable as to which of the party is the aggressor.

4. The learned State counsel assisted by the learned counsel for the complainant has submitted that since the complainant Nirmal Singh has sustained as many as 12 injuries including a 'grievous injury', no case for grant of bail is made out. The learned State counsel has further informed that the petitioners have since joined investigation.
5. The learned counsel for the complainant has submitted that the accused are desperate type of persons and had again attacked the complainant's son Gursewak Singh regarding which another FIR has been lodged.
6. I have considered rival submissions addressed before this Court. It is a case where three of the accused have also sustained injuries. While Jalandhar Singh accused sustained five injuries, accused Aman is stated to have sustained two injuries and Jagroop Singh had been inflicted eight injuries regarding which no explanation is forthcoming. It would certainly be debatable as to which of the party was the aggressor. In these circumstances, especially bearing in mind the fact that there are injuries on the side of the accused as well and that the accused have already joined investigation, in my opinion, these are fit cases for grant of anticipatory bail. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 21.12.2018, 18.12.2018 and 1.1.2019 are hereby made absolute subject to the condition that the petitioners 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.

7. The present petitions stand accepted accordingly.

5.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No