

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

**CRM-M-8972-2020
Date of decision: 02.03.2020**

Daljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Kumar Walia, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition, filed under Section 438 Cr.P.C., for grant of anticipatory bail in to the petitioner in FIR No. 186 dated 18.10.2019, registered under Sections 341, 323, 506, 148, 149, 326, 308 of the IPC (Section 307 and 325 added later on) at Police Station Sadar Sangrur, District Sangrur.

The first petition bearing **CRM-M-55757-2019** was dismissed as withdrawn on 18.02.2020 by passing the following order:

“After arguing the matter for some time, counsel for the petitioner submits that he may be permitted to withdraw this petition with liberty to the petitioner to surrender before the trial Court and the trial Court be directed to decide the regular bail application of the petitioner expeditiously.

Dismissed as withdrawn with liberty aforesaid.

In case the petitioner surrenders before the trial Court within a period of 01 week from today and apply for regular bail, the trial Court will dispose of the regular bail application of the petitioner within a period of 03 days thereafter.”

However, instead of surrendering before the trial Court in compliance with the aforesaid order, the petitioner has moved the present petition seeking grant of anticipatory bail.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Pargat Singh, it is stated that on 16.10.2019 at about 9.30 PM, he, along with his friend Sukhwinder Singh, was having dinner outside the gate of the house and noticed that Devinder Singh, who was coming on a motorcycle, was being chased by two cars, who surrounded Devinder Singh by stopping his motorcycle and started giving beatings to him. The operative part of the FIR reads as under:

“Then Kamaljit Singh son of Balkar Singh, armed with Iron Rod, Laddi Singh son of Balkar Singh armed with Iron Rod, Ram Singh son of Jang Singh armed with Daang, Daljit Singh son of Ram Singh armed with Iron Kirpan, Nikka Singh son of Gurcharan Singh armed with Daang and Gurcharan Singh son of Jang Singh armed with Daang and seven other unknown persons residents of Bangawali came at the spot. Then Kamaljit Singh gave blow of Iron rod in his hands towards Davinder Singh on his head and when he went back little, Ram Singh gave his Daang blow on the left shoulder of Davinder Singh. When Sukhwinder Singh went ahead to rescue him, then Laddi Singh gave push to Sukhwinder Singh and gave his iron rod blow on the backside of the head of Davinder Singh. Then Davinder Singh immediately fell down and when he was lying down, Daljit Singh with his Kirpan gave blow from its reverse side on the backside of head of Davinder Singh. When again Sukhwinder Singh tried to rescue him, then Laddi Singh with his Iron rod gave blow on the left arm of Sukhwinder Singh. When I went ahead to rescue, then

Nikka Singh gave his daang blow towards my face and when I went back hurriedly to save myself, then Gurcharan Singh gave his daang blow on my Purra (Buttock). When we raised alarm, then people started gathering there. At the spot, we were rescued by Hardeep Singh son of Gurjant Singh, Nirmal Singh son of Karnail Singh, Gurmeet Singh son of Jarnail Singh, residents of Bangawali from all the above said persons, who otherwise would have inflicted more injuries to us and on seeing the gathering there, the above said persons ran away from the spot with their respective weapons by giving threats to kill us, on Car Honda City DL-6-CN-0888 and Car Verna number, Bullet Motorcycle, Pulsar Motorcycle. At the spot, Nirmal Singh and Hardeep Singh by arranging the vehicle got us admitted at Civil Hospital, Sangrur and Davinder Singh due to multiple injuries was referred by the Doctor for Rajindra Hospital, Patiala. We are getting treatment here. The reason of grudge is that above there were frequent altercations between Laddi Singh etc. with Davinder Singh and Davinder Singh was stopping Laddi Singh etc. in this respect and despite the asking of Davinder Singh, Laddi Singh etc. did not stop and due to which Laddi Singh etc. in conspiracy with each other have caused injuries to Davinder Singh, me and Sukhwinder Singh. Against abovesaid Laddi Singh, Kamaljit Singh, Ram Singh, Daljit Singh, Nikka Singh, Gurcharan Singh and seven other unknown persons, legal action be taken and justice be delivered to us. Statement got recorded to you, heard and is correct.

Sd/- Pargat Singh.”

Learned counsel for the petitioner submits that as per opinion of the medical board, no serious injury is attributed to the petitioner.

A perusal of the FIR shows that petitioner is attributed a Kirpan injury, by which, he hit on the backside of the head of Devinder Singh and this injury was declared dangerous to life.

Learned counsel for the petitioner further submits that some of the co-accused, namely Gurcharan Singh and Nikka Singh @ Gurpreet Singh, have been granted concession of anticipatory bail, vide order dated 18.02.2020 passed by this Court in **CRM-M-55375-2019**.

Learned counsel for the petitioner further submits that as per the report of the medical board, injury Nos. 1 and 2 were found grievous in nature and, therefore, offence under Section 307 IPC is not made out.

A perusal of the MLR would show that injury Nos. 1 and 2 are head injuries, which are attributed to petitioner. So far as the argument of learned counsel for the petitioner is concerned that aforesaid co-accused have been granted anticipatory bail, they are the ones who have not been attributed grievous injuries.

The first petition too was argued at length and when the Court was inclined to dismiss the same, learned counsel for the petitioner sought its withdrawal with liberty to petitioner to surrender before the trial Court, however, the present petition has been filed without any change in circumstances.

Accordingly, this Court finds no ground to grant anticipatory bail to the petitioner.

Therefore, the petition is hereby dismissed.

02.03.2020

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

**(ARVIND SINGH SANGWAN)
JUDGE**

*Yes/No
Yes/No*