

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

CRM-M-11930-2020 (O&M)

Date of decision-26.06.2020

Gurbachan Singh and others

....Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dinesh Nagar, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 438 Cr.P.C in case FIR No.0065 dated 10.06.2019 under Sections 452, 323, 148, 149 of Indian Penal Code, 1860 (Section 325 IPC added later on) registered at Police Station Mukerian, District Hoshiarpur. They apprehended their arrest at the hands of Police in the above FIR.

The FIR was registered on the statement of complainant, namely, Rishi Kumar wherein it was alleged that on 09.06.2019, when he was having his meal at 11 a.m., then Gurbachan Singh, Amanat Masih, Joginder Singh, Ashwani Kumar, Rajwinder Kaur, Rajwant Singh, Prem Singh and Kulwant Singh entered the house. They all were armed with sticks, iron rods and datar etc. When Gurbachan Singh and Amanat Masih raised lalkara, Rajwant Singh gave datar blow on complainant's forehead, Prem Singh gave iron rod blow on head, Ashwani Kumar and Joginder Singh gave iron rod blow on right arm and left ankle. All caused injuries

with their respective weapons. In the meantime, complainant's mother and sister came and raised noise upon which all assailants ran away from the spot after giving kicks and stick blows. On these broad allegations, FIR was registered.

Learned counsel for the petitioners contends that the offences initially incorporated in the FIR were for the simple injury allegedly caused by the petitioners and subsequently the offence punishable under Section 325 IPC was added. He further submits that on behalf of the petitioners, a cross version was also recorded against the three accused persons.

On the other hand, learned State counsel who is assisted by ASI Ravinder Singh has not disputed this fact that the offence punishable under Section 325 IPC was added later on. She has also not disputed the fact that the cross version was also recorded.

Considering the above background, it is ordered that in the event of arrest of the petitioners by the Arresting Officer, they shall be released on bail subject to their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

26.06.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No