

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

CRM-M-12242-2020 (O&M)

Date of decision: 27.05.2020

Ramesh Singh @ Papu and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Manjit Singh, Advocate for the petitioners.

Mr. Suveer Sheokand, Addl. AG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C. has been filed by petitioner Ramesh Singh @ Papu and others, accused in FIR No.184 dated 30.12.2019 for offences under Sections 341, 323, 324, 506, 148 and 149 IPC and subsequently added offences under Sections 452 and 326 IPC, registered with Police Station Shambu, District Patiala.

Briefly stated facts of the case, as per prosecution version, are that FIR in question was registered on the basis of statement of complainant Jagtar Singh son of Mehar Singh, resident of Village Thuha, Police Station Shambu, District Patiala, wherein, he stated that he is an agriculturist by occupation. On 29.12.2019, at about 8.15 PM, while he was doing household work and his son Simranpreet Singh was standing in front of gate of their house, then Manvir Singh son of Ramesh Singh

armed with a sword, Ramesh Singh son of Gurdial Singh @ Pappu (petitioner No.1) armed with a sword, Sarabjit Singh son of Gurdial Singh armed with a gandasi (petitioner No.3), Kulbeer Singh son of Ramesh Singh (non-petitioner) of his village came there and started giving beatings to Simranpreet Singh. On hearing noise, the complainant came out of his house and intervened to save his son; then Sarabjit Singh gave a gandasi blow on left hand of the complainant; Ramesh Singh gave a sword blow upon head of the complainant; complainant raised alarm; Manvir gave sword blow on left side of head of Simranpreet Singh and also attacked on his head second time. Simranpreet Singh fell down. Jujhar Singh son of Baucha Singh of their village came to the spot and tried to save them; then the assailants attacked Jujhar Singh with their respective weapons, causing injuries on his face and head. Simranpreet Singh got up and started running, then the assailants intercepted him and Jujhar Singh and took them forcibly to their house and gave fist blows there. Charanjit Kaur-petitioner No.2 came there and gave kick blows to Simranpreet Singh. Jujhar Singh raised alarm then two villagers came there and saved them. The injured were removed to hospital at Rajpura from where, the complainant and his son were referred to Rajindra Hospital, Patiala whereas Jujhar Singh was referred to Govt. Medical College and Hospital, Sector-32, Chandigarh.

Apprehending their arrest in this case, the petitioners had approached the Court of Sessions at Patiala, seeking pre-arrest bail, but such petition was dismissed by Addl. Sessions Judge, Patiala, vide order dated 19.03.2020. Therefore, they have approached this Court, praying

for grant of similar relief, which request is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

As far as petitioner Ramesh Singh @ Papu and Sarbjit Singh are concerned, there are serious and grave allegations of assault with dangerous weapons against them. Their custodial interrogation is necessary to effect the recovery of weapons used by them in the incident and for complete and effective investigation. If the same is denied to the investigating agency that shall leave many loose ends, adversely affecting the investigation, which is uncalled for. Although, it is stated on behalf of the petitioners that there is counter version of the incident which was recorded, vide FIR No.184 dated 30.12.2019, according to which the complainant party had caused injuries to Charanjit Kaur-petitioner No.2 and her son by trespassing in their house but then every culprit has to answer for his wrongful acts. The persons, who were accused in FIR No.184 dated 30.12.2019 will be dealt with accordingly on merits of the case. Only during the trial, it can be found out as to which of the party was aggressor but as the things stand out, the petitioners Ramesh Singh @ Papu and Sarbjit Singh are not found entitled for grant of pre-arrest bail and the petition so moved on their behalf is doomed for failure and is dismissed. Whereas, with regard to Charanjit Kaur-petitioner No.2, who is stated to be aged about 50 years and is said to have herself suffered injuries in the incident, only kick blows to Simranpreet Singh have been attributed to her that too while being there in her own residential house;

in that way, the grievous injuries are not attributed to her. No weapon is to be recovered from her. Under the circumstances, I find that she deserves to be granted pre-arrest bail. Therefore, petition qua Charanjit Kaur is accepted and it is directed that in case of her arrest in this case, she be released on bail by the Arresting Officer/Investigating Officer subject to the following conditions:-

- 1. That the petitioner shall make herself available for interrogation by a police officer as and when required;
- 2. That she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- 3. That she shall abide by the other conditions provided under Section 438 (2) Cr.P.C.

27.05.2020
sumit.k

(H.S. MADAAN)
JUDGE

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