

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

CRM-M-12907-2020 (O&M)

Date of decision: 17.07.2020

Satpal Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CRM-M-13206-2020 (O&M)

Date of decision: 17.07.2020

Shingara Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

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

Present: Mr. B.S. Bhalla, Advocate for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this order, the aforementioned two petitions are decided being arising out of the same FIR. Petition No.CRM-M-12907-2020 filed by petitioner Satpal Singh and others and petition No.13206-2020 filed by Shingara Singh and another, being accused in FIR No.22 dated 24.03.2020, for offences under Sections 324, 323, 341, 148 and 149 IPC (Sections 325 and 326 IPC added later on), registered with Police Station

Ajitwal, District Moga.

Briefly stated facts of the case as per prosecution version are that criminal machinery in this case was set into motion by complainant Hoshiar Singh son of Mukhtiar Singh, resident of Village Kokriveniwala, aged about 40 years, who in his statement made to the police stated that he is an agriculturist by avocation; his father Mukhtiar Singh, is aged about 70 years, whereas, mother Amarjit Kaur is aged about 68 years; they have got 04 acres of agricultural land and land of his paternal uncle i.e. younger brother of his father Shingara Singh adjoins their land; on 20.03.2020 at about 9-10 AM, while he along with his father Mukhtiar Singh was working in their fields then Satpal Singh @ Gogi son of Shingara Singh was also working in his own fields nearby; then Satpal Singh told Mukhtiar Singh that he was cultivating more land than his share, however, Mukhtiar Singh denied that stating that land stood already partitioned and he was cultivating the land as per his share. Hearing that, Satpal Singh got annoyed and started abusing in loud voice. He went to the village; after some time, he returned along with Jagtar Singh, Manpreet Singh, Satkartar Singh sons of Shingara Singh as well as Shingara Singh son of Gurdit Singh; Shingara Singh raised a lalkara, then Jagtar Singh @ Tari gave a rod blow on the head of Mukhtiar Singh; Manpreet Singh gave a dah blow on left leg of Mukhtiar Singh, Satkartar Singh gave an iron rod blow on right hand of Mukhtiar Singh, whereas Jagtar Singh gave a rod blow on left wrist of Mukhtiar Singh; when the complainant intervened to save his father, then Satpal Singh gave a kirpan blow on left hand of the complainant; Jagtar Singh gave a rod bow

to complainant; similarly Satkartar Singh hit complainant with rod on right leg, whereas, Manpreet Singh gave a dah blow hitting complainant on left arm. On hearing the noises, when Amarjit Kaur mother of the complainant came forward to save the complainant and Mukhtiar Singh, then Shingara Singh gave a dang blow hitting her on the left arm, whereas Satkartar Singh gave an iron rod blow on the left leg of Amarjit Kaur, whereas, Manpreet Singh gave a dah blow to Amarjit Kaur hitting her on left eye; Shingara Singh gave a dang blow on back of Amarjit Kaur, resultantly Amarjit Kaur fell down. All the accused gave fist blows to the complainant side while they were lying down. When people started gathering at the spot, then all the assailants ran away from the place of incident along with their respective weapons. The injured were removed to hospital, where they were medically treated and medico-legally examined. Formal FIR was earlier registered for offences under Sections 324, 323, 341, 148 and 149 IPC, however, subsequently, offences under Sections 325 and 326 IPC were added.

Apprehending their arrest in this case, petitioners had approached the Court of Sessions at Moga, seeking pre-arrest bail, but, they were unsuccessful there. As such, they have knocked at the door of this Court by way of filing the present petitions.

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

In this case, the petitioners were granted pre-arrest bail by this Court with a direction to join the investigation. They have since done so. The State counsel, on instructions from ASI Baili Singh has made a

statement in that regard, stating that the recovery of weapons have since been effected from the accused and as the accused have joined the investigation, therefore, their custodial interrogation is not required. In view of such statement by the State counsel and considering that there is a counter version of the incident recorded by the police, vide DDR No.21 in terms of which, Mukhtiar Singh, Gurjant Singh and another person were assailants and Jagtar Singh had received injuries in the incident, only during the trial, it can be found out as to which of the party was aggressor. Petitioner Jagtar Singh, aged about 36 years is stated to be a cancer patient, undergoing chemotherapy since 26.09.2018. There is nothing on record to show that the petitioners are habitual criminals. I find it a fit case to grant pre-arrest bail to the petitioners. Accordingly, both the petitions are allowed. The interim bail granted to the petitioners in CRM-M-12907-2020, vide order dated 27.05.2020 and in CRM-M-13206-2020, vide order dated 29.05.2020 is made absolute, subject to the following conditions:-

- 1.That the petitioners shall make themselves available for interrogation by a police officer as and when required;
- 2.That they 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 they shall not leave India without prior permission of the Court.
- 4.They shall surrender their passports before the Investigating Officer and if they are not having passport, then, shall file the affidavit in that regard.

In case, the petitioners violate any terms & conditions, on which the bail has been granted to them, the prosecution would be

entitled to apply for cancellation of bail.

17.07.2020

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No

(H.S. MADAAN)

JUDGE