

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

**CRM M-13710 of 2020 (O&M)
Date of Decision: June 02, 2020**

Kashmir SinghPetitioner
Versus
State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. Baljinder Virk, DAG, Haryana.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Baljinder Virk, DAG, Haryana, puts in appearance on behalf of the State on his own.

Petitioner Kashmir Singh is accused in case bearing FIR No. 29 dated 19.01.2020 under Sections 147, 148, 149, 323, 324, 452 and 506 IPC, Police Station Ellenabad, District Sirsa has come up in this this first anticipatory bail

application under Section 438 Cr.P.C.

The brief allegations against accused/petitioner Kashmir Singh are that on 19.01.2020 while complainant-Indra Devi alongwith her family members was sitting in her home, accused/petitioner Kashmir Singh alongwith his co-accused non-applicants, namely, Rohtash, Sandeep Mamli, Vijay Kumar alongwith 15 other persons armed with sharp edged weapons, such as, sword, kapas and lathis entered forcibly into her house and attacked her son Manish and his friend Suresh Kumar, who too was present. During the attack, injured Suresh Kumar has received multiple injuries on eyes, neck and shoulder whereas Manish received injuries on his back and leg.

Mr. Dheeraj Narula, learned counsel for the petitioner, *inter alia*, contends that all the injuries are simple in nature and it is because of previous dispute a false case has been got registered submitting that no specific role is attributed to the petitioner/accused in the commission of the crime.

Learned State counsel Mr. Baljinder Virk, DAG, Haryana though has not disputed the facts brought to the notice of the Court but has opposed the grant of bail on the grounds that all the accused with pre-mediation had come duly armed and after trespassing into the house of the complainant had attacked them causing multiple injuries and, therefore, custodial interrogation is essential.

Appreciating the submissions of the two sides, it is duly conceded by the learned State counsel that all the injuries on the person of both the injured persons are simple in nature, more so, there is no specific role is attributed to the petitioner/accused in the commission of crime. Therefore, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investing officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off, accordingly.

June 02, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No