

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

PARVEEN KUMAR
2020.08.11 17:03
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213

(1)

CRM-M-16086-2020 (O&M)

Lovepreet Singh @ Labha Singh

... Petitioner

Versus

State of Punjab

... Respondent

(2)

CRM-M-12666-2020 (O&M)

Gurjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

(3)

CRM-M-17082-2020 (O&M)

Lakhveer Singh

... Petitioner

Versus

State of Punjab

... Respondent

Decided on : 10.08.2020

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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

Mr.Saurav Khurana, DAG, Punjab.

Mr.Achin Gupta, Advocate, for the complainant.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Applications for exemption

The process fee/welfare stamp shall be deposited the moment the
instructions are modified as such and physical presence is allowed.

CMs stand disposed of.

Main cases

Petitioners, in the present petitions, filed under Section 438
Cr.P.C., seek anticipatory bail in FIR No.44 dated 24.04.2020, lodged under
Sections 307, 323, 324, 506, 148 & 149 IPC registered at Police Station Sadar
Faridkot, District Faridkot.

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213 CRM-16086, 12666 & 17082-2020

-2-

The complainant-Baljit Singh lodged the FIR regarding the incident dated 23.04.2020 which had taken place in the fields at 10.30 am. From the perusal of the said FIR, it would be clear that 10 persons were named in the same and out of them, petitioner-Gurjit Singh was not named but was only named in the supplementary statement.

Counsel for the petitioners has pointed out that though petitioner-Lovepreet Singh @ Labha Singh has been named but his role is that he was carrying the baseball bat but had not hit it upon the injured who are Dayal Singh, father of the complainant and one cousin, Jagmit Singh. Similarly, it is submitted that Lakha Singh son of Jagdev Singh was named but he was not carrying any weapon when the accused had come on their motorcycles. Counsel further submits that Berma Singh son of Pritam Singh had given the kirpan blow on Dayal Singh and Gurwinder Singh had given gandasas blow along with Balwinder Singh but had given a reverse blow of gandasas on the father's hand. Similarly, Berma Singh had also given kirpan blow on the head of Jagmit Singh with the intention to kill him and Gurwinder Singh had given a gandasas blow from the reverse side on the left head of Jagmit Singh. Balwinder Singh gave a baseball blow on the left side of face of Jagmit Singh and Swaranjit Singh had given baseball blow on the right elbow of Jagmit Singh. It is, thus, submitted that 2 injuries which were dangerous to life, were suffered by Jagmit Singh but the petitioners are not responsible for the same, in any manner. It is, accordingly, submitted that Balwinder Singh has been released on regular bail while noticing that he had given the blow from the reverse side of the gandasas and the baseball blow injuries have been declared

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213 CRM-16086, 12666 & 17082-2020

-3-

simple in nature, in CRM-14396-2020 on 24.06.2020.

Mr.Khurana and Mr.Gupta oppose the confirmation of the anticipatory bail.

However, keeping in view the above role of the petitioners, though they were members of the unlawful assembly, however, they have not actively participated in inflicting the injuries upon the person of the complainant side. In view of the confirmation of the above facts by Mr.Khurana, on instructions from ASI-Gulab Singh, this Court is of the opinion that benefit of anticipatory bail is liable to be granted to the petitioners. Accordingly, the present petitions are disposed of and interim orders dated 21.05.2020, 23.06.2020 and 02.07.2020 are confirmed.

AUGUST 10, 2020

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No