

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

(1) CRM-M-16821-2020 (O&M)
Date of decision: 08.09.2020

Harpreet Singh @ Happy
Versus ...Petitioner

State of Punjab
...Respondent

(2) CRM-M-21120-2020 (O&M)
Date of decision: 08.09.2020

Amritpal Singh @ MP
Versus ...Petitioner

State of Punjab
...Respondent

(3) CRM-M-22893-2020 (O&M)
Date of decision: 08.09.2020

Fariyad Ali and another
Versus ...Petitioners

State of Punjab
...Respondent

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

Present: Mr. Ramneek Singh, Advocate for the petitioner(s)
in CRM-M-16821 and 21120-2020.

Mr. M.S. Rana, Advocate for the petitioners
in CRM-M-22893-2020.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

By this order, the aforementioned petitions are decided being arising out of the same FIR. Petition No.CRM-M-16821-2020 filed by petitioner Harpreet Singh @ Happy, petition CRM-M No.21120-2020 filed by Amritpal Singh @ MP and petition CRM-M No.22893-2020 filed by Fariyad Ali and another, all of them being accused in FIR No.54 dated 28.06.2019, for offences under Sections 323, 324, 506, 148 and 149 IPC (Section 326 IPC added later on), registered with Police Station Nurmahal, District Jalandhar Rural.

Briefly stated facts of the case as per prosecution version are that criminal machinery in this case was set into motion by complainant Rahul son of Tarsem Lal, who in his statement got recorded with the police stated that on 21.06.2019, there was a fair on Samadh of Baba Chup Shah in their village Sanghe Jagir; at about 5-6 PM, when the complainant along with Kamal and Rammi were returning from fair and had reached near house of the complainant, then Binda, Happy, Channi, Sunny, Manpreet Dadria, Gurpreet @ Gopi, Fariyad and MP came there on 4-5 motorcycles; they were holding weapons in their hands; Binda was armed with a hockey stick, Happy was armed with a beha, Channi was armed with a khanda, Sunny was armed with a datar, Manpreet and Gurpreet @ Gopi were armed with hockey sticks; all of them assaulted the complainant; Channi gave a khanda blow hitting the complainant on right side of the head, Sunny gave a datar blow hitting the complainant on right foot; the complainant became unconscious and fell on the ground;

thereafter, all the accused inflicted injuries to the complainant while he was lying on the ground; Binda gave a hockey stick blow hitting the complainant on right elbow and back and thigh; complainant raised alarm who attracting his mother Smt. Balvir Kaur, who saw the incident; the assailants then ran away from the spot along with their respective weapons on their motorcycles; the complainant was removed to Civil Hospital Nurmahal initially and thereafter, referred to General Hospital Bilga, from there to Civil Hospital Jalandhar, where he was medically treated and medico-legally examined. After registration of the FIR, apprehending their arrest in this case, petitioners had approached the Court of Sessions at Jalandhar, 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, craving for grant of similar relief, which request is opposed by the State counsel.

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

A perusal of the FIR goes to show that no specific injury has been attributed to the petitioners and the injury which has been declared dangerous to life is attributed to one Channi. In these cases, the petitioners were granted interim bail by this Court with a direction to join the investigation. They have since done so. The State counsel, on instructions from SI Bhajan Singh has made a statement in that regard, stating that the recovery of weapon has since been effected from the accused Harpreet Singh @ Happy and as the accused have joined the investigation, therefore, their custodial interrogation is not required.

In view of the above, I find it a fit case to grant pre-arrest bail to the petitioners. Accordingly, the petitions are allowed. The interim bail granted to the petitioner in CRM-M-16821-2020, vide order dated 29.06.2020, in CRM-M-21120-2020, vide order dated 30.07.2020 and in CRM-M-22893-2020, vide order dated 17.08.2020 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 affidavits 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.

08.09.2020
sumit.k

(H.S. MADAAN)
JUDGE

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