

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

CRM M-18626 of 2020 (O&M)

Date of Decision: August 05, 2020

Mohinder Singh and anotherPetitioners
Versus
State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. L.M. Gulati, Advocate
for the complainant.

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.

Petitioners Mohinder Singh and Resham Singh accused in case bearing FIR No. 79 dated 10.06.2020 under Sections 324, 323 and 34 IPC (Sections 325 and 326 IPC added later on) registered at Police Station Gharinda, District Amritsar Rural have come up in this first anticipatory bail

application under Section 438 Cr.P.C.

The present case was got registered on the statement of one Nirmal Singh. In his complaint, the complainant alleges that petitioner Mohinder Singh happens to be his youngest brother and on account of dispute over their landed property, the parties have initiated litigation in this regard. The complainant alleges that the petitioner side wanted to take forcible possession of the disputed land and in this regard on 04.06.2020 while the complainant was present in his fields, both the petitioners armed with dattars came and on exhortation by Mohinder Singh, both the accused gave him dattar blows hitting on various parts of the body and on hearing commotion people were attracted and the accused ran away.

Mr. Vaibhav Narang, learned counsel for the petitioner *inter alia* contends that in fact the petitioners are the beneficiaries of the bestowment made by their father and which is under challenge in a Civil Court and that the present case is a counter blast to force the petitioner to reconcile the dispute. The counsel has submitted that all the injuries are simple in nature.

Mr. Amit Mehta, Sr. DAG, Punjab assisted by Mr.L.M. Gulati, learned counsel for the complainant has opposed the bail on the grounds that in all 13 injuries have been given to the complainant, out of which, 03 injuries are grievous in nature and, therefore, in view of the heinousness of the

offence deintitles the petitioner to any bail.

Giving a thoughtful consideration to the arguments and the records though not disputed but the medico legal report placed on the record by the learned State counsel through e-mail shows that out of 13 injuries, certain injuries are lacerated/wounds/bruises and perusal of the FIR which gives the ocular version by the complainant/injured neither specifies any specific injury to any of the accused/petitioner nor the part of the body where it has been caused. One of the grievous injuries is on the left hand while two others are on left and right legs respectively. The injury on the right leg which is opined to be grievous is a lacerated wound and, therefore, by all means by a blunt weapon and which does not augur well with the ocular version. The inordinate delay in conducting medico legal examinations keeping in view that the parties have a history of property dispute and the learned State counsel accepts that in fact there are 16 injuries, 03 of which are not accounted for in the ocular version but all the injuries are on non-vital parts and the doctor has opined that some of these injuries are doubtful and so is own opinion of the doctor given on the application of the Investigating Officer where there is no categoric support as to the nature of the injuries and in the light of the same, it is a fit case for grant of bail. Accordingly, the petitioners are 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 their doing so, they 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 petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off, accordingly.

August 05, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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