

CRM-M-20659-2020 (O&M)  
Date of Decision: 15.09.2020

Sewa Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. A.P.S. Sandhu, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

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**RAJ MOHAN SINGH, J.(Oral)**

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail in case bearing FIR No.0102 dated 04.10.2019 registered under Sections 324, 323, 506, 148, 149 IPC, (Section 326 IPC added later on) registered at Police Station Bhikhiwind, District Tarn Taran, Punjab.

On 28.07.2020, the following order was passed :-

“Counsel for the petitioner inter alia contends that with regard to occurrence dated 17.9.2019 at about 6/7.00 a.m., the FIR has been registered on 4.10.2019. It is further argued that as per medico legal reports of injured, they came to Civil Hospital, Patti at 7.50 p.m.

and in column pertaining to probable duration of injury, the same is stated to be within six hours meaning thereby that injuries were not sustained at 6/7.00 am, as alleged. It is further argued that a Medical Board was constituted to give opinion with regard to injury No. 2 sustained by complainant Gurmeet Singh and injury No. 1 of Kuldeep Singh son of Karnail Singh. Vide Annexure P-3, the Medical Board opined that considering the location of injury on an easily accessible, non-vital part and its superficial nature, possibility of 'friendly hand' or 'self infliction' can not be ruled out. He would further submit that present FIR has been registered as a counter blast to FIR No. 98 dated 15.9.2019 registered against seven persons including Lakhwinder Singh, who has been cited as a witness in the present case for shifting the injured to the hospital. It is further argued that petitioner submitted two representations dated 9.9.2019 and 18.9.2019, diarized in the office of Superintendent of Police, Tarn Taran expressing apprehension with regard to false implication.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab accepts notice on behalf of State of Punjab. She prays for time to seek

instructions with regard to the representations, referred to in para 5 of the petition. However, she has opposed plea for bail with the submission that injury sustained by complainant was found to be grievous in nature.

Taking into consideration the submissions made by counsel for the petitioner alongwith opinion of Board of Doctors, constituted to review medico legal reports of Gurmeet Singh and Kuldeep Singh, the petitioner is directed to join investigation within seven days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

(i)He shall make himself available for interrogation by a police officer as and when required;

(ii)He 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/her from disclosing such facts to the Court or to any police officer; and

(iii)He shall not leave India without previous permission of the Court.

Adjourned to 15.9.2020.

However, nothing stated hereinbefore shall be construed as an expression of opinion on merits of the case.

Mr. R.P. Singh, DAG, Punjab on instructions from ASI Lakhwinder Singh states that the petitioner has joined the investigation and he is no more required for further investigation of the case.

In view of aforesaid factual position, the interim order dated 28.07.2020 is made absolute. However, petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)  
JUDGE

15.09.2020  
Manpreet

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |