

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-20783-2020
Decided on : 11.08.2020

Gurtej Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present: Mr. Sandeep Singh Mann, Advocate for the petitioner (s).

Mr. Hitten Nehra, Addl. AG, Punjab.

Mr. Achin Gupta, Advocate for the complainant.

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

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in FIR No.44 dated 24.04.2020 under Sections 307, 323, 324, 506, 148, 149 IPC registered at Police Station Sadar Faridkot, District Faridkot.

Counsel for the petitioner submits that the petitioner is in custody since 27.04.2020 and has undergone 3 months 15 days as per the custody certificate dated 11.08.2020. It is submitted that though he has been named in the FIR and had been alleged to have been carrying a *Kirpan*, but has not been attributed any injury upon the person of injured Dayal Singh father of the complainant and his cousin Jagmit Singh.

It is submitted that similarly situated persons namely Lovepreet Singh @ Labha Singh, Gurjit Singh and Lakhveer Singh have been granted the benefit of anticipatory bail in CRM-M-16086-2020, CRM-M-12666-

2020 and CRM-M-17082-2020, respectively on 10.08.2020 i.e. yesterday.

It is not disputed that the petitioner is stated to be carrying a *Kirpan*, but he has not used it upon the injured. Similar was the case of Lovepreet Singh @ Labha Singh, who was not carrying any weapon, but was on the motorcycle alongwith the petitioner. The blows have been inflicted by Berma Singh and Gurwinder Singh alongwith Balwinder Singh. On an earlier occasion when co-accused Balwinder Singh had been released on bail it had been noticed that the said person had given blow from the reverse side of the *Gandasa* and baseball in CRM-M-14396-2020 on 24.06.2020 (Annexure P-6) and the injuries were simple in nature.

Mr. Nehra and Mr. Gutpa, have opposed the bail. However, keeping in view the limited role of the petitioner, though he was a member of the unlawful assembly, but has not actively participated in inflicting the injuries upon the person of the complainant side, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Faridkot.

AUGUST 11, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No