

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-21640-2020 (O&M)
Date of Decision:-10.9.2020

Rajinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-22707-2020 (O&M)

Maninder Singh ... Petitioner

Versus

State of Punjab ... Respondent

III) CRM-M-20926-2020 (O&M)

Bhupinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.P.S. Chakkal, Advocate,
for the petitioner in CRM-M-21640-2020.

Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner(s) in CRM-M-22707-2020 and
in CRM-M-20926-2020.

Mr. Pawan Sharda, Sr. DAG, Punjab assisted by
ASI Satpal Chaudhary.

Mr. Lajpat Sharma, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid three petitions filed on behalf of petitioners Rajinder Singh, Maninder Singh and Bhupinder Singh seeking grant of anticipatory bail in respect of a case registered vide FIR No.210 dated 22.6.2020 at Police Station Sohana, District SAS Nagar, Mohali under Sections 323, 341, 506, 452, 354, 294, 148 and 149 of Indian Penal Code.
2. The FIR, in the present case, was lodged at the instance of Gurvinder Singh, wherein it has been alleged that on 21.6.2020 when he was returning from his fields at about 5:00 PM, then he was waylaid by Rajinder Singh, Bhupinder Singh, Varinder Singh and Amrinder Singh (name incorrectly mentioned in FIR as the correct name is stated to be Maninder Singh), who were carrying iron rods, sticks and baseball bats and who caused injuries to the complainant. It is further alleged that later when the complainant was taken to hospital, about 9-10 persons entered the house of the complainant and gave beatings to complainant's sister Ramandeep Kaur and tore her clothes and abused her.
3. The learned counsel for the petitioners have submitted that a false FIR has been lodged against the petitioners and infact it is a case of cross-version wherein DDR No.025 dated 23.6.2020 (Annexure P-2) was recorded at the instance of petitioner Bhupinder Singh and infact it is the other party which

had caused injuries to Bhupinder Singh and to others. It has been submitted that petitioner Bhupinder Singh sustained as many as 4 injuries including one 'grievous injury' and that Sukhchain Singh was also caused a 'grievous injury' on account of which offence under Section 308 IPC has been added against the other party.

4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that since the petitioners are specifically named in the FIR and had caused injuries to the other party, no case for grant of anticipatory bail is made out. The learned State counsel has, however, informed that all the injuries attributed to the petitioners are in the nature of simple injuries and that on the other hand offence under Section 308 IPC has been added in the cross-version against the opposite party, wherein Sukhchain Singh as well as Bhupinder Singh (petitioner) had sustained grievous injuries. The learned State counsel, upon instructions from ASI Satpal Chaudhary, has, however, informed that the petitioners, pursuant to interim directions, have since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that it is a case of cross-versions where it would be debatable as to which of the party is aggressor, as the petitioner Bhupinder Singh and his companion Sukhchain Singh have sustained grievous injuries and while also noticing that the petitioners have since joined investigation, their custodial interrogation is not warranted. All the three petitions, as such, are accepted and the interim directions issued by this Court vide order dated 5.8.2020, 14.8.2020 and 7.8.2020 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon

to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

10.9.2020
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No