

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- No. 22692 OF 2020 (O&M)
Date of decision : August 14, 2020

Sukhdeep Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RS Sidhu, Advocate, for the petitioner

Mr. Jagmohan Ghuman, DAG Punjab for the State

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Notice of motion.

Mr. Jagmohan Ghuman, DAG Punjab for the State accepts notice and puts in appearance on behalf of the State.

The allegations against petitioner accused Sukhdev Singh (also referred to as Balkar Singh) in this first anticipatory bail application filed under Section 438 Cr.P.C. are that Binder Singh

along with his relative were ploughing fields when accused comprising of Gurjant Singh armed with Kasia, Tej Singh armed with Kirpan, Govind Singh armed with iron pipe, Gurdeep Singh armed with dang, Baldev Singh armed with Kasia, Narinder Singh with dang and present petitioner Balkar Singh alias Sukhdeep Singh armed with dang along with Jagsir Singh and Gurmeet Singh both empty handed came at the spot and assaulted the complainant side. The motive behind this occurrence was that the parties were having land dispute between them and regarding which partition case was already filed.

Learned counsel for the petitioner inter-alia contends that no injury is attributed to the petitioner and that the lone injury attributed to co-accused is on non-vital part and that nothing is to be recovered from the petitioner.

Learned State counsel has conceded to the facts but has strongly opposed the bail arguing that the accused all duly armed had assaulted the complainant side and caused injuries and therefore, their custodial interrogation is very much essential.

Be so as it may, admittedly, the petitioner is armed with a dang and no injury is attributed to the petitioner. Sending the petitioner behind the bars would be traversy of justice and his

joining the investigations would suffice the purpose.

In view of the aforesaid, the present petition is allowed.

In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

August 14, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No