

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

CRM-M-24258 of 2020

DATE OF DECISION :- November 16, 2020

Jaswant Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Amaninder Singh Sekhon, Advocate for the petitioners.

Mr. J.P. Ratra, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioners Jaswant Singh and others, all of them being accused in F.I.R. No. 58 dated 23.6.2020 under Sections 452/323/506/148/149 IPC registered with Police Station Sadar Zira, District Ferozepur and later on added offences under Sections 307/325 IPC vide DDR No. 11 dated 20.7.2020 registered at Police Station Sadar Zira, District Ferozepur.

Briefly stated the facts of the case as per prosecution version are that on 22.6.2020, accused Baldev Singh armed with a baseball bat, Harpreet Singh armed with an Iron rod, Sandeep Singh armed with a baseball bat, Baghel Singh having a Sota, Jaswant Singh and Gurjant Singh having Iron rods, had formed an unlawful assembly and assaulted complainant Sarabjot Singh as well as his friend Gagandeep Singh for the reason that there was a dispute between the parties with regard to payment

of charges on account of plantation of paddy crop. In the incident Sarabjot Singh had sustained six injuries, all simple in nature whereas Gagandeep Singh had suffered injury on left posterior aspect of skull which was declared to be grievous in nature. Subsequently, offence under Section 307 was added.

Apprehending their arrest in this case, the accused had approached the Court of Sessions at Ferozepur, however, their request for pre-arrest bail was declined by the Court of Additional Sessions Judge, Ferozepur to whom the case was assigned vide order dated 10.8.2020, as such they have knocked at the door of this Court craving for grant of similar relief by moving the present petition, notice of which has been given to the State.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

Learned counsel for the petitioners has contended that the injuries attributed to all the three petitioners are simple in nature, they have since joined the investigation in terms of the directions issued to them by this Court and they have been granted interim bail. In that way their custodial interrogation is not required. He has further contended that Gurjant Singh to whom injury under Section 307 had been attributed has since been arrested in this case on 27.9.2020. Learned State counsel on instructions from ASI Sukhdev Singh has contended that the petitioners have in fact joined the investigation and got the recovery of weapons effected. In that way, their custodial interrogation is not required. Further more considering the fact that there is version and cross version of the incident and accused side had also suffered injuries and further the injuries

attributed to the petitioners are simple in nature, the petition deserves to be accepted.

Under such circumstances, the interim bail granted to the petitioners on 25.8.2020 is made absolute, subject to the following conditions:-

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They shall not leave India without prior permission of the Court.
- (iv) They shall surrender their Passports before the Investigating Officer and if they are not having Passports then shall file the affidavits in that regard.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

November 16, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No