

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

CRM-M-26634 of 2020

DATE OF DECISION :- October 15, 2020

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Vikas Arora, Advocate for the petitioner.

Mr. Mohit Kumar, Advocate for the complainant.

Mr. H.S. Sullar, DAG, Punjab..

The case has been taken up through Video Conferencing.

This petition for pre arrest bail has been filed by petitioner Avtar Singh, aged about 78 years, resident of Village Tibba, Police Station, Sherpur, Tehsil Dhuri, District Sangrur, in a case in F.I.R. No. 0047 dated 16.5.2020 under Sections 307, 326, 323, 324, 506, 148, 149 IPC and Section 354-B IPC added later on.

Briefly stated the facts of the prosecution story are that on 13.5.202, complainant Sukhjeet Singh was assaulted by Avtar Singh armed with a Soti, Charanjit Singh @ Happy having a stick, Jaspreet Singh and Harpreet Singh having Gandasis and on a lalkara being raised by Avtar Singh Jaspreet Singh gave a Gandasi blow to the complainant hitting him on the right temple, resultantly he fell down on the ground. A Gandasi blow given by Harpreet Singh to Jagjit Singh had hit him on right temple. Then

all the accused gave blows with handles of Gandasis to the complainant hitting on his head and arms. Jagjit Singh had received blow on his left biceps and wrist of right hand. When Davinder Singh tried to intervene then, Avtar Singh attacked him with a Soti . Davinder Singh sustained injuries on the thumb of his right hand. When Gurlal Singh, Sarbjeet Kaur and Sharanjeet Kaur tried to intervene, then assailants attacked them also and Charanjit Singh @ Happy tore the Kurti of Sharanjeet Kaur from the neck. On matter having reported to the police, F.I.R. was registered.

Apprehending their arrest in this case, the accused had approached the Court of Sessions at Sangrur seeking grant of pre arrest bail. That petition was assigned to Additional Sessions Judge, Sangrur, who was on duty. It was dismissed on 21.7.2020.

Feeling dissatisfied, petitioner Avtar Singh knocked at the door of this Court praying for grant of similar relief. Notice of the petition has been given to the State.

I have heard learned counsel for the petitioner, learned counsel for the complainant and learned State counsel besides going through the record.

The injury attributed to the petitioner is on a non-vital part, though as submitted by the State counsel, it has been declared to be grievous in nature. The petitioner is not shown to have any past criminal record. He has since joined the investigation, as per directions issued to him vide order dated 8.9.2020 and has been released on interim bail. As stated by the State counsel on instructions from ASI Avtar Singh, custodial interrogation of the petitioner is not required. Further more learned counsel for the complainant has stated that the dispute has since been settled

between the parties and he does not oppose the petition for grant of pre arrest bail of the petitioner.

Under such circumstances, the interim bail granted to the petitioner on 8.9.2020 is made absolute, subject to the following conditions :-

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.
- (iv) He shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

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

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

October 15, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No