

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

CRM-M-30575-2020(O&M)

Date of decision: 29.10.2020

Balkar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vipin Mahajan, Advocate for the petitioner

Mr. Luvinder Sofat, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 1.10.2020, the following order was passed by this

Court:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.145, dated 28.08.2020, registered under Section 324/325/326/450/148/149 IPC, at Police Station Sadar Gurdaspur, District Gurdaspur.

In a nutshell, the case of the prosecution has been noticed by learned Additional Sessions Judge, Gurdaspur, in paragraph 2 of its order dated 21.09.2020, which is extracted as under:-

“2. Brief facts are that FIR has been registered on the Statement of Gurpeet Singh son of Tarsem Singh, resident of Village Chor Sidhwan, who stated that in their village in the land of Dalip Singh son of Bhagat Singh, one electricity transformer is installed and they alongwith Dalwinder Singh son of Dalip Singh, Ajit Singh son of Sohan Singh, Mehnga Singh son of Bhagat Singh, residents of Village Chor Sidhwan, Ajaib Singh son of Mohan Singh and Lakhbir Singh, resident of Village Chor Sidhwan, used to take supply of electricity from that transformer for their

motors. Balkar Singh son of Lal Singh was used to take illegal electricity supply for his motor from above-said electricity transformer through temporary wire. His father alongwith other persons who take supply from that electricity transformer many times stopped Balkar Singh from taking illegal electricity supply from the transformer but Balkar Singh did not mend on his way and continued taking illegal supply continuously from electricity transformer forcibly. He also proclaimed that nobody can stop him from taking illegal electricity supply from electricity transformer as he has direct talk with electricity department. On 20.8.2020 around 2.30 P.M. Gurpreet Singh alongwith his family members was present in his house and his father went to hear call of nature in bathroom built inside their house near the main gate. He heard the voice of his father "Maar Ditta, Maar Ditta", and he went towards his father from the courtyard of his house and found that Balkar Singh son of Labh Singh armed with kirpan, Parminder Singh son of Balkar Singh armed with datar, Jasbir Kaur wife of Balkar Singh, empty handed, Varinder Kaur daughter of Balkar Singh, armed with baseball, all residents of Village Chor Sidhwan, Gurwinder Singh armed with datar, Davinder Singh armed with kirpan, residents of Khokhar Faujian and sons of brother-in-law Balkar Singh alongwith 10/15 young boys were quarreling with his father and were also abusing his father. On seeing him Balkar Singh, raised a lalkara and exhorted the other assailants to catch hold him and teach a lesson to him for stopping them for taking electricity supply by illegal way from the electricity transformer. Parminder Singh gave a datar blow on Gurpreet Singh and Gurpreet Singh raised his left hand up to save himself, so, datar hit on the palm of his right hand. Due to that his hand got a big cut. Then Gurwinder Singh gave a datar blow on Gurpreet Singh which hit on inside of his left arm. He got nervous and fell down on the ground. Thereafter Varinder Kaur gave a baseball blow on him which hit on his head. He alongwith his father raised raula "Maar Ditta, Maar Ditta", and unknown young boys gave fist blows to him. In the meantime, his wife Ravinder Kaur and cousin Mandip Kaur daughter of Sulakhan Singh, run to save him and laid on him for saving him. On this, all the accused with their respective weapon ran away from the spot. Thereafter, he alongwith his father rushed to Amandeep Hospital, Amritsar and

they were medicolegally examined there. Eventually, he got recorded his statement to the Police and consequently, upon which, present FIR was registered against the accused persons.”

This court has heard learned counsel for the petitioner, the first informant as well as Ms. Samina Dhir, Deputy Advocate General, Punjab.

Learned counsel for the petitioner contends that as per the injury proforma issued by Aman Hospital (a Private Hospital), Tarsem Singh suffered incised wound of size 03x0.5x0.5 cms over left thumb.

On the other hand, the petitioner suffered three injuries, two with a sharp edged weapon and one with blunt weapon. He further submits that the police has not even registered a cross case.

Notice of motion.

Keeping in view the aforesaid facts, let the petitioner joins the investigation.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. Adjourned to 29.10.2020.”

Learned State counsel, on instructions from SI Lakhbir Singh, has submitted that the petitioner has joined investigation, cooperated and is not required for further custodial interrogation.

In view of the above, order dated 01.10.2020, is hereby made absolute.

The petition stands allowed.

29.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No