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

CRM-M-33900-2020 (O&M)
Date of decision: 30.10.2020

Shyam Singh @ Shyam Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. B.R. Rana-I, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Gagandeep Toni, Advocate and
Ms. Ekta, Advocate for the first informant.

ANIL KSHETARPAL, J. (ORAL)

On 21.10.2020, the following order was passed by this Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.92 dated 13.09.2020 registered under Sections 323, 324, 452, 506, 148, 149 of the Indian Penal Code, 1860 and later on added Section 325 IPC, at Police Station Singh Bhagwantpur, District Rupnagar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Rupnagar, in para 5 of its order dated 05.10.2020, which is extracted as under:-

“5. Heard. The FIR was registered on the statement of complainant party namely Sandeep

Singh son of Jagmail Singh. It is alleged that on 12.9.2020 the village Panchayat was raising construction of street at about 10.30 a.m. at village Sotal when the opposite party i.e. comprising of accused Hushan Lal and others objected and in also raised a wall in the alleged street. Upon which the labourers employed by the panchayat tried to raze the said wall then Hushan Lal and his sons started abusing and went away from the spot. However, after some time when the complainant Sandeep Singh along with his uncle Rulda Singh came at the spot/street, the aforesaid persons started hitting them with brick pans and stones and caused injuries to complainant Sandeep Singh and Rulda Singh as well as Harpal Singh. It is further alleged by the complainant party that the injured persons were got admitted in the hospital by the village Sarpanch and on the same day at about 1.30 p.m., the accused Mandeep Singh son of Madan Singh, Hardeep Singh son of Hushan Lal, Sonu son of Sham Singh along with 25/30 unknown persons fully armed with came to his house and attacked the uncle of the complainant Rulda Singh with Gandasies and Swords and also caused injuries to Mohan Singh son of Rulda Singh and even the complainant was beaten up by the accused party.”

Learned counsel for the petitioner contends that both parties suffered injuries and on the information given by Husan Lal, DDR No.21 dated 13.09.2020 has been registered against the opposite side. He further contends

that there is no specific role attributed to the petitioner.

Notice of motion.

Mr. Bhupender Beniwal, AAG, Punjab accepts notice on behalf of the State of Punjab and seeks time to get instructions.

Adjourned to 30.10.2020.

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.”

Ms. Samina Dhir, DAG, Punjab, on instructions from ASI Harbans Singh, has stated that the petitioner has joined investigation, cooperated and not required for further custodial interrogation.

In view thereof, the order dated 21.10.2020 passed by this Court is ordered to be made absolute.

Accordingly, the present petition is allowed.

30.10.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No