

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

1. CRM-M-43325-2020

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-43389-2020

Sandeep Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

Date of decision: 22.12.2020

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manish Sharma, Advocate
for the petitioner in CRM-M-43325-2020.

Mr. Lupil Gupta, Advocate
for the petitioners in CRM-M-43389-2020.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in the first petition is for grant of anticipatory bail to
petitioner Sandeep Kumar and prayer in the second petition is for grant of
anticipatory bail to petitioners Sandeep Singh and Mangat Singh in FIR
No. 209 dated 16.11.2020, registered under Sections 458, 323, 148, 149 of
the IPC at Police Station Khui Khera, District Fazilka.

As per the allegations in the FIR, registered at the instance of complainant Harbhajan Singh @ Bhatti, it is stated that when he, along with his sons Rakesh Singh and Parkash Singh, was in his room, he heard some noise outside and when he opened the door, Raj Singh armed with iron rod, petitioner Sandeep Kumar armed with rod, Paramjit Singh having baton in his hand, petitioner Sunder Singh @ Sandeep Singh having baton, petitioner Mangat Singh having baton in his hand entered into complainant's room. Thereafter, Sandeep Kumar gave an iron rod blow which hit on the head of the complainant; Paramjit Singh gave a baton blow which also hit on the head of the complainant; Sunder Singh @ Sandeep Singh gave a baton blow which left arm of complainant and Mangat Singh gave a baton blow which hit thigh of the complainant.

Learned counsel, appearing for petitioner Sandeep Kumar, has argued that it was a case of sudden fight wherein the injuries sustained by the complainant's side are simple in nature.

Learned counsel, appearing for petitioner Sandeep Singh and Mangat Singh, has argued that injuries attributed to said petitioners are on non-vital part of the body and are simple in nature.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Learned State counsel submits that as per MLR, the complainant has suffered head injury, which is attributed to petitioner Sandeep Kumar.

After hearing learned counsel for the parties, without making

any comment on the merits of the case, considering the allegations in the FIR and the injuries attributed to petitioners, I find no ground to grant concession of anticipatory bail to petitioner Sandeep Kumar as he is attributed a head injury, however, considering the fact that petitioners Sandeep Singh and Mangat Singh are attributed only simple injuries on the non-vital part of the body, they are found entitled to get concession of anticipatory bail.

Accordingly, petition bearing **CRM-M-43325-2020** is **dismissed**.

However, petition bearing **CRM-M-43389-2020** is **allowed** and petitioners Sandeep Singh and Mangat Singh are granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon petitioners Sandeep Singh and Mangat Singh to join investigation, if so required, by issuing them a written notice in this regard.

A photocopy of this order be placed on the file of other connected case.

22.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No