

**207/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-45545-2019
Date of Decision: 16.01.2020**

Balwinder Singh @ Kaka

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Thakur, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG Punjab assisted by
ASI Surender Singh.

Mr. U.K.Agnihotri, Advocate with
Ms. Anshul Agnihotri, Advocate
for the complainant.

* * *

VIVEK PURI, J. (ORAL)

On 07.11.2019 following order was passed:

“Contends that this is a case of version and cross-version and while exercising the right of private defence, the opposite side suffered some injuries. Also contends that there is a civil dispute pending between the parties regarding the land in question.

Learned State counsel seeks time to verify the status of cross-version as well as civil suit between the parties.

On his request, adjourned to 16.01.2020.

*In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, **till the next date of hearing**, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all*

the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

An FIR bearing No.36 dated 23.05.2019 under Sections 323, 324, 452, 148, 149 IPC 1860 and 326, 307, 325 IPC 1860 added later on has been registered at Police Station Sekhwan, District Gurdaspur at the instance of Sukhraj Singh-complainant alleging that on 22.5.2019 his uncle Harjinder Singh was lying on a cot near the gate of their house and the complainant was sitting near him. At about 8.30 P.M. Balwinder Singh and Inderjit Singh armed with Dattars, Ranjit Kaur empty handed along with 4-5 unknown persons armed with sticks came in front of the house of Harjinder Singh. Ranjit Kaur exhorted that a lesson be taught to Harjinder Singh for ploughing their land. Inderjit Singh and unknown person dragged Harjinder Singh from the cot to the street. Inderjit Singh inflicted Dattar blow near the left cheek and another Dattar blow on the small finger of the left hand of Harjinder Singh. Complainant along with his father Bhupinder Singh tried to intervene. Balwinder Singh @ Kaka gave Dattar blow on the face of Bhupinder Singh, due to which his teeth were broken and he fell on the ground. Unknown persons inflicted Dang blows and the assailants fled away from the spot.

It may be mentioned here that interim relief was granted to the petitioner on the representation that a cross-version case and a civil dispute was pending between the parties. Learned State counsel, on instructions from ASI Surender Singh, has stated by cross-version has been disbelieved during the enquiry and no civil suit is pending between the parties. Faced with this situation, learned counsel for the petitioner has stated that the petitioner has joined the investigation in pursuance of the interim orders. It

may be mentioned here that merely because the petitioner has joined the investigation cannot be termed to be a circumstance to confirm the order and extend him to concession of pre-arrest bail. Such a relief can only be secured if extra-ordinary circumstances are made out. No MLR pertaining to the petitioner has been produced on record. Though it has been stated that mother of the petitioner has filed a complaint regarding the same occurrence but it may be mentioned here that the occurrence took place in the house and thereafter immediately outside the house of the complainant. As such, it will be too early to accept the version of the petitioner. Injury on the person of Bhupinder Singh falls under Section 307 IPC and the same has been attributed to the petitioner. As such, no exceptional or extra-ordinary circumstances are made out to extend pre-arrest bail.

Dismissed.

The aforesaid observations are circumscribed only for the purpose of disposal of the present bail application and shall not be construed as an expression on the merits of the case.

16.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No