

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

CRM-M No.53541 of 2019 (O&M)

Decided on: 10.01.2020

Surinder Singh @ Salinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.S. Behl, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Mithilesh Thakur, Advocate
for Mr. Amitabh Tiwari, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.66 dated 29.05.2019, for offence punishable under Sections 323, 324, 307, 427, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Nurpur, District Roopnagar.

It is argued by counsel for the petitioner that it is stated by Neeraj Kumar in the FIR that he along with his father and his elder brother Rohit Kumar and father's uncle son namely Dharampal had gone to attend a Panchayat and had parked their vehicle in front of the Janj Ghar (a common place) and when they were returning, they were stopped by 02 vehicles i.e. one Scorpio car and one Brezza car and 15-

16 persons came out from the said vehicles. They were holding weapons like kirpan, gandasi, kirch and dandas, in their hands and they immediately attacked the complainant party. The petitioner – Surinder Singh @ Salinder Singh was giving stick blow on his back and while the other accused persons were giving injuries to all the persons on complainant side. The petitioner – Surinder Singh @ Salinder Singh gave a kirpan blow on his uncle's son who also suffered injury. They also destroyed their Bolero car and thereafter, ran away from the spot after threatening them to kill.

The motive behind the incident was that Parminder Singh had misbehaved with the daughter-in-law namely Pooja of the aunt of the complainant and in that regard, the Panchayat was convened, which was attended by the complainant party and after the Panchayat was concluded when the complainant were coming back, they were caused injuries by the accused persons.

Counsel for the petitioner has further submitted that the injuries attributed to the petitioner is simple in nature and one of the co-accused namely Vijay Kumar @ Vicky has been granted the concession of bail by this Court vide order dated 18.07.2019 passed in CRM-M No.27629 of 2019 by making the following observations:-

“Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.66 dated 29.05.2019 under Sections 323, 324, 307, 427, 148 and 149 IPC, registered at Police Station Nurpur Bedi, District Rupnagar.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that no injury has been declared dangerous to life. Though, the present petitioner is named in the FIR and specific injuries have been attributed to him but all injuries have been declared simple in nature.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, the present petition is allowed and it is ordered that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, he 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.”

Counsel for the petitioner has further argued that one of the co-accused namely Buntty @ Balbir whose anticipatory bail application was dismissed by this Court vide order dated 08.11.2019 passed in CRM-M No.45890 of 2019, has also been granted the concession of interim anticipatory by the Hon'ble Supreme Court in SLP (Crl.) No. 11337 of 2019 in view of the fact that the aforesaid Vijay Kumar @ Vicky has been granted the concession of anticipatory bail.

Counsel for the State, on instructions from the Investigating Officer, has argued that with a pre-meditated motive, the accused persons armed with weapons have caused injuries and there are specific allegations against the petitioner that he has caused injuries to

the complainant and his uncle's son using danda and kirpan.

In reply, counsel for the appearing for the complainant has referred to the MLR of the complainant and Dharampal and Neeraj Kumar to submit that injury No.4 received by Dharampal is attributed to the petitioner which is a multiple abrasion wound on the right dorsal lumbar spine as per the allegations in the FIR. Counsel for the complainant has further argued that this victim has suffered 05 injuries. It is also submitted that the anticipatory bail of another co-accused namely Lakhvir Singh @ Lucky was also dismissed by this Court.

After hearing the counsel for the parties, considering the serious allegations against the petitioner, I find no ground to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.01.2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No