

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

CRM-M-5909 of 2021

DECIDED ON:18th MARCH, 2021

Harbhajan singh and another

.....PETITIONERS

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Veneet Sharma, Advocate for petitioners.

Mr. S.S. Cheema, AAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case of FIR No.143 dated 10.12.2020 under Sections 326, 323, 325, 452, 379, 148, 149 IPC, 1860, registered at Police Station Khalra, District Tarn Taran.

This Court vide order dated 10th February, 2021 granted interim bail subject to joining investigation. The order is reproduced below:

" This is a petition seeking anticipatory bail in case FIR No. 143 dated 10.12.2020, under Sections 326, 323, 325, 452, 379, 148 and 149 IPC, registered at Police Station Khalra, District Tarn Taran.

The FIR was at the instance of Sukhdev Singh. It is stated that on 3.12.2020 at about 4.00 AM, when the complainant got up to start the electric motor, he was attacked by the accused persons including the petitioners. Petitioner No. 1-Harbhajan Singh was

armed with Kirpan and petitioner No. 2-Sukhdev Singh armed with Takua. The injury attributed to petitioner No. 1 is on the left arm and to petitioner No. 2 are behind the legs and on the shoulder of the complainant.

Learned counsel for the petitioners submits that there is a civil litigation pending between the parties. He further submits that the brother of the complainant had mortgaged the land to petitioner No. 1 and after getting the same redeemed, sold it to petitioner No. 2 which became the bone of controversy. It is further submitted that no case is made out under Section 326 IPC as per the allegations made in the FIR. The petitioners are not involved in any other case.

Notice of motion.

Ms. Samina Dhir, Deputy Advocate General, Punjab accepts notice on behalf of State of Punjab. She, on instructions from ASI-Balwinder Singh opposes the bail and submits that the injury attributed to petitioner No. 1 is grievous.

Considering that there is a civil tinge of civil dispute attached to the controversy, there is delay of seven days in registering the FIR, the petitioners are granted interim bail subject to their joining investigation within a period of two weeks. In the event of arrest, the petitioners shall be released on bail subject to their furnishing adequate bail bonds to the satisfaction of the Investigating/Arresting Officer. They will join investigation as and when called. They shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 18.3.2021."

Learned State counsel on instructions from ASI Balwinder Singh submits that the petitioner has joined investigation and his custodial interrogation is not required.

As no custodial interrogation is needed, the interim bail granted on 10th February, 2021 is made absolute.

Disposed of accordingly.

18th MARCH, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>