

CRM-M-5940-2021,
CRM-M-8230-2021 and
CRM-M-9040-2021

-1-

207

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

1. CRM-M-5940-2021
Date of decision : 03.03.2021

Subhash Chander @ Bikker

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-8230-2021
Date of decision : 03.03.2021

Lakhwinder Singh @ Lakha and another

...Petitioners

Versus

State of Punjab

...Respondent

3. CRM-M-9040-2021
Date of decision : 03.03.2021

Harpreet Singh @ Happy @ Jhagh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-5940-2021,
CRM-M-8230-2021 and
CRM-M-9040-2021

-2-

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arnav Sood, Advocate for the petitioner(s).
(In CRM-M-5940-2021 and CRM-M-8230-2021)

Mr. S.P.S. Aulakh, Advocate for the petitioner.
(In CRM-M-9040-2021)

Mr. Amar Ashok Pathak, Addl. A.G. Punjab.

RAJ MOHAN SINGH, J. (ORAL)

1) The cases have been taken up for hearing through video conferencing.

2) Vide this common order, CRM-M-5940-2021 titled Subhash Chander @ Bikker Vs. State of Punjab, CRM-M-8230-2021 titled Lakhwinder Singh @ Lakha and another Vs. State of Punjab and CRM-M-9040-2021 titled Harpreet Singh @ Happy @ Jhagh Vs. State of Punjab, are being disposed of.

3) CRM-M-5940-2021 has been preferred by Subhash Chander @ Bikker, CRM-M-8230-2021 has been preferred by Lakhwinder Singh @ Lakha & Karanjit Singh @ Karan @ Dumba whereas CRM-M-9040-2021 has been preferred by Harpreet Singh @ Happy @ Jhagh, for grant of anticipatory bail in case bearing FIR No.07 dated 18.01.2021 registered under Sections 323, 427, 452, 336, 506, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police

CRM-M-5940-2021,
CRM-M-8230-2021 and
CRM-M-9040-2021

-3-

Station Sadar Nawanshahar, District SBS Nagar.

4) Since all the criminal miscellaneous petitions have arisen from one FIR, therefore, common facts are being noticed.

5) As per the allegations, all the offences except offence under Section 452 of IPC are bailable in nature. The allegations are of hitting *Kirpans* and *daatars* on the main gate of *Haveli* of the complainant. The FIR was lodged by Jaswant Singh with the allegations that at about 8:40 PM, his uncle's daughter-in-law namely Navjot called up on the mobile of wife of the complainant (Gurpal Kaur) and informed her that some notorious boys armed with deadly weapons i.e. sharp edged weapon and firearms were hitting *Kirpans* and *Daatars* on the main gate of *Haveli*. She heard the noise of the gun shots as well. The assailants were abusing Tirath Singh @ Amarjit Singh with the threats of killing him. When the complainant reached at the spot, all the persons had entered into the village after sitting in their vehicles.

6) Learned counsel for the petitioner(s) submitted that as per the allegations, entry in the *Haveli* has not been alleged in the FIR but when the son of the complainant namely Tirath Singh was called from *Haveli*, he told that Pradeep has called the boys from outside and committed this act after entering the *Haveli*.

CRM-M-5940-2021,
CRM-M-8230-2021 and
CRM-M-9040-2021

-4-

7) It would be debatable as to the fact of entering the *Haveli* by the assailants. There is no such allegations in the FIR.

8) Notice of motion was issued and arrest of the petitioner(s) was also stayed in all the petitions except in CRM-M-5940-2021, where the petitioner-Subhash Chander @ Bikker was directed to join the investigation with the protection of interim bail.

9) Learned State Counsel, on instructions from SI Jiya Lal, submits that it is a case of no injury but the allegations are of mischief and forcible entry in the house of the complainant with the deadly weapons.

10) In view of the prosecution version, the case would remain debatable.

11) Looking to the aforesaid circumstances, I am of the view that the petitioners have made out a case for the grant of anticipatory bail. All the petitions are allowed. The petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 07.03.2021 and in the event of their arrest, they shall be released on anticipatory bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

i) that the petitioners shall make themselves

CRM-M-5940-2021,
CRM-M-8230-2021 and
CRM-M-9040-2021

-5-

available for interrogation before the Investigating Officer as and when required;

- ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.

03.03.2021

Pawan

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No