

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

206

CRM-M-4546-2020

Date of Decision: 14.09.2021

Mangal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Sharma, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Bhupinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.109 dated 29.08.2019 at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, under Sections 323/341/452/148/149 IPC (Section 325 IPC added later on).
2. The FIR was lodged at the instance of Harbans Singh, wherein it is alleged that on 28.08.2019, while he was present in his house, then Shaminder Singh armed with wooden handle, Jasvir Singh @ Jassi armed with wooden *tamba* (thick wooden stick), Nikka Singh armed with spade handle came to his house and started hurling abuses. It is alleged that Shaminder Singh gave a blow with wooden handle on the head of the complainant. Nikka Singh gave a blow with spade handle on the complainant's neck and Jasvir

Singh inflicted a blow with *Tamba* on his ribs. When the complainant raised alarm, several persons from the neighbourhood were attracted on which the aforesaid accused ran away from the spot. The complainant's nephew took him to hospital where Dulla Singh, Mangal Singh, Shaminder Singh and Nikka Singh were also present and stopped them from entering hospital and scuffled with them. Mangal Singh is alleged to have given beatings to the complainant's son and is alleged to have dragged him from his collar.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and in any case even if the allegations as leveled in the FIR are taken to be correct, he was not present when the initial occurrence took place and is stated to have been present in the hospital and is not alleged to be armed and is simply stated to have given beatings to son of complainant and dragged the complainant's son.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out particularly when the co-accused have been found to have committed an offence under Section 325 IPC. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation. It has also been informed that the petitioner stands involved in 7 other cases.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner is not stated to have been present at the time of initial incident, when injuries were caused including injury attracting rigour of Section 325 IPC and is only alleged to have been present in the hospital and given beatings to the complainant's son, it will certainly be debatable as to whether he can be attributed *mens rea* in respect of injury under Section 325 IPC as well. In any case, since the petitioner has joined investigation, his custodial interrogation is not warranted as he is not even stated to be armed with any weapon. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 03.02.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.09.2021

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**(GURVINDER SINGH GILL)
JUDGE**

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