

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7999-2021 (O&M)
Date of Decision:-19.3.2021

Labh Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Angraze Singh Dhindsa, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Vinod Kumar.

(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 vide FIR No.67 dated 2.7.2020 at Police Station Sanaur, District Patiala under Sections 323, 324, 341, 427, 506 and 34 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.
2. The FIR was registered at the instance of Gursewak Singh, wherein it is alleged that on 01.07.2020 at about 9:30 AM when he was going to his workplace, then Sandeep Khan and Gurdhian Singh came in a white

coloured Swift car and gave beatings to him and also damaged his motorcycle. When the complainant raised alarm, then Gurdhian Singh's father namely Labh singh (petitioner) also came there carrying a 'kirpan' (sword) and gave blow with the same on the left leg below the knee of the complainant. Thereafter, Sandeep Khan and Gurdhian Singh are alleged to have taken out sticks from the car and gave beatings to him.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the instant case in order to pressurize the other accused on account of the fact that the petitioner happens to be employed in Government service and is serving in the Office of Civil Surgeon, Patiala.
4. Learned counsel for the petitioner has further submitted that the petitioner is aged 61 years and infact at the time of occurrence, he was present in his office as would be evident from the certificate (Annexure P-2) issued by his office as per which he was present in his office from 8:00 AM to 10:10 AM, whereas the occurrence is sated to have taken place at about 9:30 AM on the said day. The learned counsel has also submitted that infact it is a case where genesis of occurrence has been suppressed inasmuch as the co-accused Gurdhian Singh also sustained incised wound on his hand.
5. Opposing the petition, the learned State counsel has submitted that in view of the fact that the petitioner is specifically named in the FIR and he is the only one, who was carrying a sword, and is alleged to caused injury to the complainant, no case for bail is made out. The learned State counsel has, however, not disputed the fact that in the instant case co-accused Gurdhian Singh has also sustained an incised wound on his hand. It has, however,

been informed that the information regarding nature of injury is yet to be obtained.

6. I have considered rival submissions addressed before this Court.
7. Keeping in view the fact that one of the accused has also sustained injury, which is in the nature of an incised wound on his hand, it would be debatable as to which of the party is an aggressor. In these circumstances, the petition merits acceptance and is hereby accepted and it is ordered that the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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.

19.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking Yes / No

Whether reportable Yes / No