

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

(I) **CRM-M-17575-2021 (O&M)**
Date of Decision:- 16.9.2021

Harmanjeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

(II) **CRM-M-19363-2021 (O&M)**

Arsh Kumar Batra ... Petitioner

Versus

State of Punjab ... Respondent

(III) **CRM-M-20927-2021 (O&M)**

Sanam Kumar Batra ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.B.S.Mann, Advocate, for the petitioner(s).

Mr. Karambir Singh, AAG, Punjab,
assisted by ASI Lakhwinder Singh.

Mr. Kunwar Rajan, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Harmanjeet Singh, Arsh Kumar Batra and Sanam Kumar Batra, seek grant of anticipatory bail in a case registered vide FIR No. 29, dated 15.2.2021, Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib, under Sections 307, 324, 323, 148, 149 IPC (Section 295 IPC added later on vide DDR No.47 dated 18.2.2021).
2. The FIR in question was lodged at the instance of Karamjit Singh wherein it is alleged that his wife Sharanjeet Kaur was a candidate from Ward No.7 for election to the Municipal Committee. It is alleged that on the date of occurrence i.e. on 15.2.2021, when he along with Randeep Singh was going to his house, they were waylaid by Tarsem Kumar Batra, Arsh Kumar Batra, Jagdish Singh @ Kohli who were armed with 'baseball bats', Sanam Kumar Batra who was armed with 'iron Kappa' and Harmanjeet Singh who was carrying a 'handle of spade'. It is alleged that Tarsem Kumar Batra raised a *lalkara* exhorting his companions to teach complainant a lesson for casting fake votes and thereafter held the complainant from his beard while Arsh Kumar Batra is alleged to have inflicted a blow with 'Kappa' upon the complainant hitting him on his head behind his left ear. Jagdish Singh @ Kohli is alleged to have inflicted thrust-wise blow with 'baseball bat' in the stomach of the complainant Sanam Kumar Batra is stated to have inflicted blows with 'baseball bat' to

the complainant hitting him on his head. While the complainant had fallen down, Harmanjeet Singh gave stick blows to him.

3. Learned counsel for the petitioners have submitted that they have falsely been implicated on account of political rivalry and that in fact a perusal of the FIR would show that there is some sort of contradiction inasmuch as in the beginning of the FIR it is alleged that Arsh Kumar Batra was carrying a 'baseball bat' but in the latter part of the FIR he is attributed a blow with '*Kappa*'.
4. Learned counsel for the petitioner(s) have submitted that in any case offence under Section 307 IPC stands deleted and in these circumstances the petitioners deserve the concession of bail.
5. Opposing the petitions, learned State counsel has submitted that since the petitioners are specifically named in the FIR and there is specific attribution of injuries to them, no case for grant of bail is made out. Learned State counsel has however, informed that offence under Sections 307 and 295 IPC have been deleted and offence Section 295-A IPC had been added. It has also been informed that pursuant to interim directions, the petitioners have since joined investigation. It has been informed that the petitioners are not involved in any other case.
6. Having regard to the aforesaid facts and circumstances and while noticing that more serious offence i.e. offence under Section 307 IPC has been deleted and that the petitioners in any case have joined investigation, their custodial interrogation is not warranted. The petitions, as such, are accepted and the interim directions issued by

this Court vide orders dated 29.4.2021 (in CRM-M-17575-2021), order dated 18.5.2021 (in CRM-M-19363-2021) and order dated 26.5.2021 (in CRM-M-20927-2021) are hereby made absolute subject to the condition that the petitioners 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.

7. A photocopy of this order be placed on the file of each connected case.

16.9.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No