

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

**CRM-M-19683 of 2021
DATE OF DECISION :- July 27, 2021**

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Ms. G.K. Mann, Sr. Advocate
with Mr. Sunil Kumar, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Davinder Singh son of Bua Singh, aged 41 years, resident of 3637, Preet Avenue, Majitha Road, Bye Pass Chowk, District Amritsar, an accused in a cross version case GD No. 36 dated 23.9.2020 registered with Police Station Majitha for offences under Sections 323, 324, 34 IPC and Section 326 IPC added on 12.11.2020 in F.I.R No. 218 dated 21.9.2020 for offences under Sections 323/324/148/149 IPC registered at Police Station Majitha, District Amritsar Rural.

Briefly stated the facts of the case as per prosecution story are that on 18.9.2020, while Balbir Singh son of Pal Singh at about 12.30 P.M was harvesting paddy crop in his fields, Jatinder Singh son of Bua Singh armed with Kirpan, Davinder Singh son of Bua Singh armed with Datar, Bua Singh son of Pal Singh empty handed came there and on lalkara being raised by Bua Singh, Jatinder Singh gave a Kirpan blow to him hitting him on his nose and

he fell down. While he was lying on the ground, Davinder Singh gave a Datar blow to him, which hit on his left arm. On alarm being raised by complainant, his brother Amarjit Singh son of Baljit Singh reached at the spot and thereafter the assailants fled theref along with their respective weapons. The injured was taken to hospital. He was medically treated and medico legally examined.

Apprehending his arrest in this case, petitioner accused had approached the Court of Sessions at Amritsar by filing an application for pre-arrest bail. His such application which was assigned to Additional Sessions Judge, Amritsar was, however, declined vide order dated 30.4.2021. Feeling aggrieved, he has approached this Court craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

The F.I.R No. 218 dated 21.9.2020 for offence under Sections 323/324/148/149 IPC was recorded against Balbir Singh son of Pal Singh, Baljit Singh son of Balbir Singh, Lovepreet Singh son of Major Singh and Gurbaj Singh son of Amarjit Singh, all residents of Village Jhande, Amritsar Rural, on statement of Bua Singh, in which he had stated that on the fateful day at about 12.30 P.M, the aforementioned accused duly armed had attacked him, resultantly he had suffered injury on the right side of forehead, right leg, left shoulder near neck, on right shoulder etc.. When his son Davinder tried to intervene then he was also assaulted causing him injuries. In that way it is a case of version and cross version. The parties are closely related with each other and it is stated that the matter has been compromised between the parties vide written compromise (Annexure P-3). Further more, co-accused of the present petitioner namely Bua Singh is said to have been granted pre-arrest bail by learned Additional Sessions Judge, Amritsar vide order dated 3.5.2021. In

terms of the directions issued to the petitioner by this Court vide order dated 24.5.2021, he is said to have joined the investigation and released on interim bail. Learned State counsel on instructions from ASI Sukhwant Singh has stated that the weapon used in the incident has since been recovered, therefore, custodial interrogation of the petitioner is not required.

Under such circumstances, the interim bail granted to the petitioner on 24.5.2021 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

July 27, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No