

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

210

**CRM-M-20161-2021
Date of decision: 07.07.2021**

Nishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. Vikasdeep Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.0023 dated 18.02.2021 registered under Sections 148, 323, 324 and 326 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") and Sections 25 and 27 of the Arms Act, 1959 at Police Station Sirhali, District Tarn Taran.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Kuljinder Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran.

The petition has also been opposed by the complainant.

However, no reply has been filed by the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. As per the prosecution version, the petitioner was armed with kirpan and the petitioner is alleged to have given blow with kirpan on the head of Harpreet Singh in the left side. Injury attributed to the petitioner was declared to be simple. Other injury caused with sharp edged weapon, which was declared to be grievous, is attributed to co-accused Daljit Singh. The complainant had suppressed the true genesis of the occurrence in which injury on the head of the petitioner was inflicted by Harpreet Singh. DDR No.023 dated 05.03.2021 was registered regarding cross-version of the occurrence. The petitioner is ready to join the investigation and his custodial interrogation is not required in the case.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioner is the main accused involved in commission of the heinous offences. The petitioner along with his co-accused tried to forcibly occupy the agricultural land and raise construction on the same despite pendency of civil litigation and passing of status quo order. His custodial interrogation is required for recovery of the weapon of offence. In view of the nature of accusation and gravity of offences, the petitioner does not deserve grant of anticipatory bail.

In the present case injury allegedly inflicted by the

petitioner with kirpan on the head of Harpreet Singh on the left side was declared to be simple. Other injury caused with sharp edged weapon which was declared to be grievous attracting Section 326 of the IPC is attributed to co-accused Daljit Singh. Custodial interrogation of the petitioner will not be necessary in the case as he can be interrogated by joining him in investigation for recovery of the weapon used. There is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses. In view of these facts and circumstances of the case, nature of accusation and evidence against the petitioner and also the role attributed to him, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

07.07.2021

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

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