

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

CRM-M-20960-2021 (O&M)

Date of decision: 02.08.2021

Jobanjit Singh @ Jobanpreet Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

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

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

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

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Jobanjit Singh @ Jobanpreet Singh @ Sunny, an accused in FIR No.81 dated 30.05.2020, for offences under Sections 326, 324, 323, 341, 148 and 149 IPC, registered with Police Station Kacha Pakka, District Tarn Taran.

Briefly stated the prosecution story is that, on 21.05.2020, while complainant Shinda Singh son of Darshan Singh, resident of Village Ahemadpur, aged about 26 years, along with his brother Karaj Singh was going on motorcycle, at about 8.00 PM, when they were a little short of Village Ahemadpur, then they were intercepted by Sunny son of Harjinder Singh armed with a datar, Harpal Singh @ Bhala son of Bittu Singh armed with a sword, Akashdeep Singh son of Bittu Singh armed

with a tokka datar, Mangu son of Lakhwinder Singh armed with a stick, Bittu son of Jagtar Singh armed with a stick, all residents of Village Ahemadpur, who stated that their girl was enticed by Sandeep Singh but the complainant party did not take any action. Saying that Sunny attacked the complainant with datar and the complainant was hit on right thumb of his hand; the complainant fell down, then Harpal Singh @ Bhala attacked the complainant on head with a sword; when Karaj Singh came to the rescue of complainant, then Akashdeep Singh hit tokka datar on head of Karaj Singh; Karaj Singh also fell down; then Mangu and Bittu attacked them with sticks; while several people gathered at the spot, then all the assailants ran away therefrom along with their respective weapons; the injured were taken to the hospital, where they were medically treated and medico-legally examined; the motive for the incident was that Sandeep Singh had eloped with sister of complainant and they had been trying to get her back; the assailants were teasing and taunting them; on matter being reported to the police, formal FIR was recorded.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions at Tarn Taran, by moving an application for grant of pre-arrest bail but was unsuccessful. As such, the petitioner 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 parties besides going through the record.

Learned counsel for the petitioner has contended that there is a cross version of the incident inasmuch as a DDR was lodged on

31.05.2020 on the statement of Sandeep Singh to the effect that on 21.05.2020, while his father Pargat Singh and uncle Partap Singh were having their meals in their house, then Shinda Singh armed with a kirpan, Karaj Singh armed with a datar, Anwar Masih and Debba armed with dangs, Harpreet Singh armed with a dang, Diljit Singh armed with a dang, Buta Singh empty handed came there and on a lalkara being raised by Buta Singh for teaching Sandeep Singh a lesson for marrying Reena Kaur; Shinda Singh gave a kirpan blow to Sandeep Singh, hitting him on his left arm; then Karaj Singh @ Mintu gave a datar blow to Pargat Singh; when Partap Singh came forward, then Anwar Masih gave a dang blow to him. According to learned counsel for the petitioner, there is a delay of 09 days in lodging the FIR and the petitioner has been wrongly roped in after due consultations and deliberations; the injury attributed to the petitioner is on non-vital part and Harpal Singh @ Bhala, who had attacked the complainant on head with a sword, has been granted the benefit of pre-arrest bail by the Court of Sessions at Tarn Taran; the petitioner has joined the investigation in this case, therefore, the interim bail granted to him, vide order dated 26.05.2021 be made absolute.

Learned State counsel on instructions from ASI Gurmit Singh has admitted the factum of petitioner having joined the investigation, further stating that the weapon used in the incident i.e. datar has been recovered and custodial interrogation of the petitioner is not required for further investigation.

Under the circumstances, considering the facts and

circumstances of the case, I am of the view that the petition deserves to be accepted. The same is allowed. The interim bail granted to the petitioner, vide order dated 26.05.2021 is made absolute, subject to the following conditions:-

1. that the petitioner shall make himself available for investigation by a police officer as and when required;
2. that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. that he shall not leave India without prior permission of the Court.
4. that 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 terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

Accordingly, the present petition is allowed.

02.08.2021

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(H.S. MADAAN)
JUDGE

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