

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

224

**CRM-M-23446 of 2021
Date of Decision: 26.08.2021**

Balwinder Singh and another

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Karan Choudhary, Advocate,
for the petitioner no.1.

Mr. Sidakmeet Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Vide this petition, petitioner no.1 seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.40, dated 08.05.2021, having been registered at Police Station Kahnuwan, District Gurdspur, alleging therein the commission of offences punishable under Sections 323 and 324 of the IPC, read with Section 34 thereof (with Sections 326 and 379 of the IPC added later).

Vide an order passed on June 30, 2021, petitioner no.1, i.e. Balwinder Singh, had been ordered to be admitted to interim bail essentially in view of the fact that he was shown to be 64 years of age, with only an exhortation attributed to

him (and with a simple injury attributed to petitioner no.2, Harpal Singh).

Thereafter, Harpal Singh was also ordered to be admitted to interim bail vide an order passed by this court on August 05, 2021, on the ground that his mother was admitted to hospital and even after being discharged her condition was not so good, being a heart patient (as had been determined by the State).

A reply dated 25/26.07.2021 has been filed by the DSP, Rural, District Gurdaspur, in which essentially the contents of the FIR have been reiterated, also thereafter describing the injuries received by various persons; and in paragraph 6 it having been stated that as regards Jaswinder Kaur, it was found that she had obtained a false MLR from the Civil Hospital, Bham.

It has next been stated as as per the opinion of the Board of Doctors, the injury sustained by the complainant, Satnam Singh, at the hands of Paramjit Singh, with a *kirpan*, it was one that “attracted” the commission of an offence punishable under Section 326 of the IPC, with Paramjit Singh and Jagdip Singh to be still arrested.

As regards the injuries attributed to petitioner no.2, Harpal Singh, they are stated to have been caused with a baseball bat, on the forehead of the complainant and his elbow, both of which were found to be simple injuries even as per the instructions of learned State counsel.

Though otherwise the petitioners having accompanied a person who was carrying a *kirpan* (as per the FIR), and the allegations against petitioner no.2 being that he attacked the complainant with a baseball bat, he may not have been entitled to be admitted to bail at all, however with the injury on one person (Jaswinder Kaur) having been actually found to be on account of a false MLR

obtained, without making any comment on the actual merits of the case, the petition is allowed, with the interim orders passed in favour of the petitioners, admitting them to bail, made absolute on the same terms and conditions.

August 26, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No