

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

202

**CRM-M No.20262 of 2020
Date of Decision: 28.01.2021**

JOGINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vikram, Singh Chahal, Advocate
for the petitioner.

Mr.Amar Ashok Pathak, Addl.A.G.Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.120 dated 23.11.2019 and DDR No.13 dated 24.11.2019 (cross case) under Sections 323, 324, 148, 149 and Section 326 IPC (added later on) registered at Police Station Ghuman District Batala.

On 24.07.2020, while issuing notice of motion, following order was passed:-

“The petitioner is seeking anticipatory bail in FIR No. 120 dated 23.11.2019 (Annexure P-1) and DDR No. 13 dated 24.11.2019 (Annexure P-2) (cross case) under Sections 323, 324, 148 and 149 IPC, Section 326 IPC added later on registered at Police Station Ghuman, Batala.

The dispute in the present case is between two brothers. An FIR (Annexure P-1) was got registered by the present petitioner with the allegation that he and his wife suffered injuries when Kuldeep Singh attacked them. The MLR of the petitioner and his wife is Annexures P-3 and P-4. The injury attributed to the present petitioner is on the elbow which is declared to be grievous in nature.

Notice of motion.

Ms. Monika Jalota, Deputy Advocate General, Punjab accepts notice on behalf of the State. She has argued that while dismissing the anticipatory bail, Id. Additional Sessions Judge, Gurdaspur has observed that once the offence under Section 326 IPC has been added, recovery of weapon has to be done and custodial interrogation of the petitioner is necessary.

Learned counsel for the petitioner, on instructions from the petitioners, submits that the petitioner is ready for amicable settlement.

In the meantime, the petitioner will join investigation as and when called by the Investigating Officer. In the event of his arrest, he will be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438(2) Cr.P.C.:-

- 1. that the petitioner will make himself available for interrogation by a police officer as and when required;*
- 2. that the petitioner will 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;*
- 3. that the petitioner will not leave India without the prior permission of the Court;*
- 4. such other condition as may be imposed under sub section(3) of Section 437, as if the bail was granted under that section.*

Keeping in view that dispute is between two brothers with respect to joint land, a direction is being given to District Judge, Gurdaspur to call both the parties and make an attempt for out of Court settlement by referring this matter to the Mediation Centre. List on 27.11.2020.

Ritu Bahri
(Judge)

24.07.2020

Divyanshi”

In compliance of the aforesaid order, matter was placed before Mediation and Conciliation Centre of District Court, Gurdaspur. Report dated 24.11.2020 sent to the Registrar, General of this Court is suggestive of the fact that despite number of attempts, the parties could not reconcile the issue.

Learned State counsel, on instructions from the Investigating Officer, states that the petitioner has joined the investigation and weapon of offence (gandasa) has been recovered from him. The injury attributed to the petitioner is on elbow, which is grievous in nature. Dispute is between two brothers. FIR was got registered by the present petitioner as well with the allegation that he and his wife suffered injuries when his brother Kuldip Singh opened attack upon them. MLR of the petitioner as well as of his wife is Annexures P-3 and P-4.

Taking into consideration the aforesaid facts and without meaning anything on the merits of the case, interim order dated 24.07.2020 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

January 28, 2021
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned **Yes/No**
Whether reportable **Yes/No**