

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

CRM-M-20625 of 2020
DATE OF DECISION :- February 08, 2021

Satnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-16695 of 2020

DC Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Harinder Singh Aujla, Advocate for the petitioners.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

My this order shall dispose of two petitions for grant of pre-arrest bail bearing CRM-M-20625 of 2020 filed by Satnam Singh and CRM-M-16695 of 2020 filed by DC Singh, both of them being accused in F.I.R. No. 31 dated 14.2.2020 for offences under Sections 323, 324, 458, 34 IPC (Section 326 IPC added later on) registered with Police Station Sadar Rampura, District, Bathinda.

Briefly stated the facts of the case as per prosecution story are

that on 12.3.2020, while complainant Sukhvir Singh son of Gurmail Singh, resident of Chaunke, aged about 33 years, an agriculturist and a Combine driver by avocation had returned home along with his brother Sukhchain Singh then petitioner accused Satnam Singh armed with a Kirch along with Babbu Singh armed with a Gandasa residing in neighborhood of the complainant trespassed in their house raising lalkaras that complainant party would be taught a lesson for demolishing the wall. Satnam Singh gave a Kirch blow to the complainant hitting him on the fingers of the right hand. When Sukhchain Singh came forward to save the complainant then Babbu Singh gave a Gandasa blow to him from reverse side hitting on his face. Satnam Singh picked up a brick bat and hurled it on face of Sukhchain Singh. In the meanwhile, DC Singh petitioner-accused, who is maternal uncle of Babbu Singh also came there and started throwing brick bats, one of which hit Sukhchain Singh on chest. On an alarm being raised, all the three assailants left the spot along with their respective weapons. The injured were hospitalized where they were medically treated and medico legally examined.

On matter being reported to the police, formal F.I.R was registered on the basis of statement of complainant Sukhvir Singh. Apprehending their arrest in this case, petitioners had approached the Court of Sessions at Bathinda by filing an application for grant of pre-arrest bail. That application was assigned to Additional Sessions Judge, Bathinda, who vide orders dated 19.6.2020 dismissed the same, as such the petitioners have knocked the door of this Court craving of grant of similar relief. Notice of their petition was given to the State.

I have heard learned counsel for the petitioners and learned

State counsel besides going through the record.

Learned counsel for the petitioners has contended that the petitioners are innocent and have been wrongly involved in this case on account of dispute with regard to common boundary wall. Even otherwise, the injury attributed to petitioner DC Singh is simple in nature caused with a brick bat and no recovery of any weapon is to be effected from him. He has further contended that with regard to petitioner Satnam Singh although the injury attributed to him has been declared to be grievous but that is on a non-vital part; both the petitioners have joined the investigation as per directions issued by this Court, therefore, their petitions for pre-arrest bail be accepted. Learned State counsel on instructions from SI Parwinder Kaur concedes the petitioners having joined the investigation and petitioner accused Satnam Singh having got recovered the Kirch further stating that in view of the same, custodial interrogation of the petitioners is not required by the investigating agency.

Under such circumstances, the interim bail granted to petitioner Satnam Singh on 25.8.2020 and petitioner DC Singh on 26.6.2020 is made absolute, subject to the following conditions :-

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

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

The petitions stand allowed accordingly.

(H.S. MADAAN)
JUDGE

February 08, 2021
p.singh

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