

207

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video conferencing)

CRM-M No.27197 of 2021

Date of Decision: 07.10.2021

JATINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. Arya, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.46 dated 19.05.2021 registered under Sections 326, 324, 323, 148, 149 IPC at Police Station Rangar Nangal, District Gurdaspur.

On 15.07.2021, following order was passed by this Court:-

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

Learned counsel for the petitioner contends that as per allegations in the FIR, datar blow on the shin of left leg is attributed to the petitioner. FIR has been registered with a delay of 04 days. In respect of cross version, GD No.31 has been lodged on 20.05.2021. During investigation

of the case, brother of the petitioner got his statement recorded to the effect that on 16.05.2021, he and his brother Jatinder Singh (petitioner) were cutting fodder in their fields, then Baljit Singh and Gurdev Singh started hurling abuses to them owing to some dispute with regard to removal of manure from the land of their share. On hearing the abuses, Varinder Singh and the petitioner came to the place where manure was placed and asked them to talk with them as per decision of the Panchayat. Baljit Singh raised lalkara and inflicted datar blow on the elbow of right arm of Varinder Singh. When petitioner came forward to rescue Varinder Singh, then Gurdev Singh gave sota blow to the petitioner. On raising alarm, Kuldip Kaur and Kashmir Kaur came to the spot to rescue them. Satnam Singh suddenly came in his car and after taking out baseball from the car, he raised lalkara to eliminate the petitioner party and be taught a lesson for removing the manure. Thereafter, Kewal Singh gave dang blow on the left side of shoulder of Varinder Singh. While he was lying on the ground, Satnam Singh gave baseball blow on the right side of his back on shoulder. Balwinder Kaur and Bhupinder Kaur also attacked them. They also gave beatings to Kuldip Kaur and Kashmir Kaur. The dispute was with regard to throwing manure in the land allegedly owned by Kewal Singh for which panchayats were convened many a times and the complainant party did not accept the decision of the Panchayat. With this background, GD No.31 dated 20.05.2021 has been lodged.

Learned counsel further contends that it would be debatable as to which of the party was aggressor. The grievous injury on the person of Kewal Singh is on non-vital part of the body.

Notice of motion for 07.10.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 23.07.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Iqbal Singh admits the aforesaid fact and submits that the petitioner is no more required for further investigation of the case.

In view of aforesaid factual position, the interim order dated 15.07.2021 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.

(RAJ MOHAN SINGH)
JUDGE

October 07, 2021
Atik

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No