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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.28171 of 2021 (O&M)

Date of decision: 20.07.2021

Baljinder Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G.S. Bajwa, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. L.M. Gulati, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.156 dated 27.05.2021 registered under Sections 323/324/326/148/149 IPC at Police Station Kamboj, Amritsar (Rural), District Amritsar (Rural).

Counsel for the petitioners has submitted that as per the allegations in the FIR, registered at the instance of Kewal Singh, it is stated that he along with his father Ajit Singh, brother Pritpal Singh and nephew Sehajpreet Singh, were working on their land, when Sukhjinder Singh @ Happy armed with dater, Harjit Singh armed with dater, Baljinder Singh @ Billa armed with dater, Tasveer Singh @ Manga armed with kirpan, Kashmir Singh armed with dater, Manjit Singh armed with dater along with 4 unidentified persons, came in their fields.

The petitioner No.3 namely Kashmir Singh, raised a lalkara to teach

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them a lesson for claiming the land. Upon this, all the accused persons caused injuries to the complainant side. It is further submitted that petitioner No.3 Kashmir Singh, is aged about 70 years and the only injury attributed to him is on the left ear of Ajit Singh, which was declared to be a simple injury under Section 324 IPC.

Counsel for the petitioners has further submitted that even the injuries attributed to petitioners No.1 and 2 namely Baljinder Singh and Tasveer Singh, though, caused with a sharp edged weapon, however, they were not declared grievous in nature. It is further argued that 03 of the accused persons, who have been attributed Section 326 IPC injury, have already been arrested. It is also stated that it is a case of version and cross-version and even one of the petitioner has suffered the injury.

In reply, counsel for the State, assisted by counsel for the complainant, has, however, opposed the prayer for bail on the ground that the victim suffered 05 injuries, Ajit Singh suffered 04 injuries, Manjit Singh suffered 03 injuries and hand of Kewal Singh was chopped off by the co-accused Harjit Singh.

Counsel for the State has further submitted that all the petitioners were armed with a sharp edged weapon and they have caused multiple injuries to the complainant's side, who belongs to one family.

Counsel for the complainant has placed on record the photographs of the victims to submit that they were given merciless beatings and even one of the victim has lost his hand.

Counsel for the complainant has also argued that as per the

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opinion of the Board of Doctors, the injuries sustained by the petitioners' side was found to be doubtful. It is also submitted that the injuries seems to be self-inflicted injuries just to make out a cross-version.

After hearing the counsel for the parties, I find no ground to grant the concession of anticipatory bail to petitioners No.1 and 2, namely, Baljinder Singh and Tasveer Singh, who in conspiracy with other accused persons, have caused multiple injuries to the complainant's side and accordingly, the petition *qua* petitioners No.1 and 2, is dismissed.

However, considering the fact that petitioner No.3 – Kashmir Singh is aged about 70 years and is attributed simple injuries, the petition *qua* him is allowed and he is directed to join investigation within a period of 10 days from today and he shall be released on bail subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. 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. He shall not leave India without previous permission of the Court.*

(ARVIND SINGH SANGWAN)
JUDGE

20.07.2021

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No