

208(2)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28593-2021
Date of decision-30.07.2021

GURCHARAN SINGH ALIAS CHANNA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Aminder Singh, Advocate for the complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.63 dated 05.06.2021 under Sections 308, 341, 323, 506, 148 & 149 of Indian Penal Code, 1860 registered at Police Station Longowal, District Sangrur. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of Pargat Singh and the allegations as noticed by the learned Additional Sessions Judge, Sangrur in the order dated 25.06.2021 are as under:

“As per allegations of the prosecution, on 30.05.2021 at about 9:00 PM when the complainant alongwith his family members tried to go his bed after taking the meal, the electricity of his house had gone and when he came out from his house to see the

fault, he has seen that Shamsher Singh and his family members were trying to apply kundi connection illegally and when the complainant asked them as to why they have been getting the electricity illegally and caused fault in the light of his house, they started altercating with the complainant and the complainant went inside his house. Shamsher Singh armed with iron rod, Arshdeep Singh armed with soti, Paramjit Kaur armed with soti, Manpreet Kaur armed with soti, Harpreet Kaur armed with soti and Channa Singh armed with soti chased him and wrongfully restrained him when he was going to his house. Paramjit Kaur raised lalkara by stating that taught him a lesson for raising objection against the kundi connection applied by them, on which Shamsher Singh gave an iron rod blow which hit on the forehead of complainant, thereafter Paramjit Kaur gave soti blow which hit on the neck of complainant below his left ear, Shamsher Singh gave another iron rod blow with an intention to kill him which hit in the middle of his head. He raised hue and cry on which his wife Paramjit Kaur came out form the house and when she tried to rescue him from the clutches of accused, they gave beating to Paramjit Kaur also, Shamsher Singh gave 2/3 other iron rod blows which hit on the back of complainant. Arshdeep Singh gave danda blow which hit on his right thigh, Paramjit Kaur gave soti blow which hit on his right hand, Channa Singh gave soti blow which hit on his left knee, Manpreet Kaur and Harpreet Kaur also gave soti blows on his back. On raising hue and cry by the complainant and his wife, accused decamped from the place of occurrence with their respective weapons on seeing the people gathering there after giving threat to kill him. Complainant was got admitted to Civil Hospital, Sangrur by his brother Darshan Singh, but due to number of injuries on his person he was referred to Rajindra Hospital, Patiala and from Rajindra Hospital, Patiala he was referred to PGI,

Chandigarh.”

On 23.07.2021 the following order was passed:-

“Learned counsel has pointed out that the main accused Shamsher Singh has already been arrested and the case of the petitioner is similar to this co-accused in CRM-M-27177-2021, which is fixed for 30.07.2021.

Notice of motion for 30.07.2021.

To be heard along with CRM-M-27177-2021.”

Learned counsel for the complainant has invited the attention of the Court to the order dated 25.06.2021 passed by Additional Sessions Judge, Sangrur, wherein, the number of injuries suffered by the injured have been noticed. He submits that the victim has suffered grievous injuries on head and therefore, the petitioner do not deserves the concession of anticipatory bail.

On the other hand learned State counsel assisted by ASI Ram Singh has pointed out that the co-accused of the petitioner namely Shamsher Singh, who was armed with an iron rod already stands arrested and the injuries declared grievous in nature have been attributed to him. He on instructions from ASI Ram Singh further states that the injuries attributed to the petitioner were found to be simple in nature.

Considering the above background, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join

investigation as and when called for by the Investigating Officer and *would abide by the conditions enshrined under Section 438(2) Cr.P.C.*

However, it is made clear that the above observations shall not be construed as an opinion on the merits of the case.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

30.07.2021

Vipin kumar

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