

In virtual Court

CRM-M-32754-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32754-2021 (O&M)
Date of decision: 13.08.2021

Harbans Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.49 dated 10.07.2021 under Sections 323, 341, 506, 120-B, 379-B, 34 IPC and Sections 25/27 of Arms Act, registered at Police Station Phul, District Bathinda.

Learned counsel for the petitioner, at the very outset, relies upon the order dated 04.08.2021 passed in CRM-M-29081-2021, vide which co-accused Jagdev Singh and one another co-accused have been granted the concession of anticipatory bail, by passing the following order: -

“...Counsel for the petitioners has argued that prior to registration of the FIR on 10.07.2021, there was another incident on 07.07.2021 qua which a DDR No.37 dated 08.07.2021 was

registered under Sections 323/34 IPC, for causing injuries to both the petitioners. Counsel for the petitioners has relied upon the MLR of petitioner No.2 – Balwant Singh and as per the said MLR, he has suffered as many as 10 injuries. It is further submitted that the accused in the said DDR are the complainant in the present FIR.

Counsel for the petitioners has also submitted that as per the allegations in the FIR, petitioner No.1 – Jagdev Singh, is armed with stick whereas petitioner No.2 – Balwant Singh is not named in the FIR and he has been nominated later on. It is further argued that qua petitioner No.1 – Jagdev Singh, there is no specific attribution of any injury to any person.

Counsel for the State could not dispute the factual position but opposed the prayer for bail. It is also not disputed that no specific injury is attributed to petitioner No.1 – Jagdev Singh.

Counsel appearing for the complainant has argued that the victim has also suffered number of injuries, however, the victim of DDR No.37, which is a matter of record is not disputed...”

Learned counsel for the petitioner submits that allegations against the petitioner are that he was carrying a firearm, however, there is no allegation that he has used the same. It is further submitted that in the incident, even brother of the petitioner has suffered injuries and it is case of version and cross-version.

Learned State counsel, on the basis of FIR, submits that the injuries

were caused by the petitioner, however, it is not disputed that brother of the petitioner has suffered injuries as per his MLR.

After hearing learned counsel for the parties and considering the aforesaid submissions, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

13.08.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No