

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

219

**CRM-27503-2021 in/and
CRM-M-34742-2021**

Date of Decision: 07.09.2021

Vinod Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rimple Saini, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Satbir Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-27503-2021

In view of the reasons mentioned in the application, the same is allowed and the documents are taken on record as Annexures P-5 to P-7 subject to all just exceptions.

CRM-M-34742-2021

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a DDR bearing G.D.No.34 dated 10.06.2020 under Sections 341/323/324/148/149 IPC (Section 326 IPC added later on) in FIR No.0073 dated 09.06.2020 registered at Police Station Taragarh, District Pathankot under Sections 452/323/148/149 IPC.

2. The DDR in question has been lodged at the instance of Daljeet Singh, wherein it is alleged that on 08.06.2020, he had proceeded to Village Mahantan Di Pandori for operating JCB machine. However, he received a phone call from his house intimating that a fight of his uncle had taken place. While the complainant was going back, he was waylaid by Vinod Singh @ Fouji (petitioner), who was armed with *Kirpan*; Pankaj, who was armed with *Kirpan*; Rohit Singh @ Rotu, who was armed with *datar*; Jimmy, who was armed with Baseball Bat; Jagga, who was armed with handle of spade; Subham, who was empty handed and Ranga, who was armed with *dang*. It is alleged that Vinod Singh gave two consecutive blows with *Kirpan* hitting elbow of right arm and bicep of Daljeet Singh. Pankaj is stated to have inflicted an injury with *Kirpan* on the right arm of Daljeet Singh. Rohit is alleged to have given a blow with *datar* hitting on the backside of head of Daljeet Singh. Thereafter, Jimmy is stated to have given two consecutive blows with Baseball Bat on the legs of Daljeet Singh. Jagga is also alleged to have given two blows with handle of spade on the shoulders of Daljeet Singh. Ranga is also stated to have given kicks to Daljeet Singh while he was lying down.
3. Learned counsel for the petitioner has submitted that it is a case of cross-version, wherein members of both the parties have received injuries. It has been submitted that the petitioner has been falsely implicated so as to exert pressure on his relatives, who are

complainant in the FIR, as the petitioner happens to be serving Army. It has further been submitted that in any case even if the allegations as leveled in the DDR are taken to be correct, it is co-accused Rohit, who is alleged to have given a blow with *datar* to Daljeet Singh on his head and that the petitioner, even as per the DDR, has been attributed blows on non vital parts i.e. elbow of right arm and bicep. It has also been submitted that all other accused from both the sides except the petitioner are already on bail and in these circumstances, the petitioner also deserves the same concession.

4. Opposing the petition, learned State counsel has submitted that since the petitioner was armed with a lethal weapon i.e. *Kirpan* and is also alleged to have used the same having inflicted two injuries on the elbow and bicep of injured, no case for grant of bail is made out. Learned State counsel has, however, not disputed the fact that other co-accused including Rohit, who is attributed an injury with *datar* on the head of Daljeet Singh, are already on bail. It has also been informed that there is no other case against the petitioner.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case of cross-version and it is yet to be established as to which of the party is aggressor and while also noticing that the injury on the head of the injured is attributed to co-accused, who is already on bail, the petitioner who is attributed injuries on non vital parts also deserves the same

concession. The petition, as such, is accepted and the petitioner, in the event of arrest, be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

07.09.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**