

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

CRM-M-30726-2020 (O&M)

Date of decision: 24.02.2021

Bachittar Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. G.S. Bawa, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioners Bachittar Singh and Gurcharan Singh, both of them being accused in FIR No.106 dated 19.08.2020, for offences under Sections 323, 324, 326, 452, 148 and 149 of IPC, registered with Police Station Qadian, Police District Batala, District Gurdaspur.

Briefly stated the prosecution story is that, on 11.08.2020, at about 10/11 AM, when complainant Balraj Singh son of Natha Singh, resident of Village Rampur, aged about 26 years, a labourer by profession along with his friend Gurwinder Singh, a handicapped person and father Natha Singh were present in the courtyard of their house in connection with making complaint against Gurcharan Singh and his brother Bachittar

Singh at Police Station Qadian, then Bachittar Singh and Gurcharan Singh armed with datar each along with their mother Kawaljit Kaur and Manga son of Satpal having handle of spade, Buntty son of Balkar Singh having baseball bat accompanied by three unknown persons trespassed in his house; Kawaljit Kaur raised a lalkara that complainant side be caught hold as they were going to make complaint against them; hearing that, Gurcharan Singh attacked complainant with his datar, first blow given by Gurcharan Singh hit the complainant on the back on left side, whereas, second blow was given from reverse side of the datar, hitting on left shoulder and third datar blow given by Gurcharan Singh to complainant hit him on the right wrist; Bachittar Singh gave two datar blows to the complainant hitting him on the left side of the back and elbow of right arm; then Manga attacked complainant with a handle of spade, hitting him on the right side of the back; Buntty gave two base ball bat blows to the complainant, hitting him on right shoulder and back; the unidentified persons accompanying the assailants also caused injuries to the complainant on right shoulder and right side of the back; after sustaining injuries, the complainant fell down; his father Natha Singh and friend Gurwinder Singh raised alarm, which attracted many people, then the assailants ran away from the spot along with their respective weapons; the complainant-injured was taken to Civil Hospital Batala, where he was medically treated and medico-legally examined; the motive behind the incident was that Gurcharan Singh and his brother Bachittar Singh while being in influence of liquor had been abusing the complainant and

complainant was planning to report the matter to the police, for that reason, both of them along with their co-accused had trespassed in house of the complainant and caused injuries to him; on the basis of statement of complainant-injured Balraj Singh, formal FIR was recorded.

Apprehending their arrest in this case, petitioners/accused had approached the Courts of Sessions at Gurdaspur by moving an application for grant of pre-arrest bail. Their such application was assigned to Addl. Sessions Judge, Gurdaspur, who vide order dated 10.09.2020, dismissed the same. Feeling aggrieved, the petitioners have approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record and I find that no ground is made out to grant anticipatory bail to the petitioners. The petitioners are named in the FIR and as per prosecution story, they armed with datars i.e. dangerous weapons, accompanied by their co-accused had committed merciless assault on the complainant without any provocation, causing inasmuch as 15 injuries. As per MLR of injured-complainant, 02 of the injuries i.e. injury No. 9 and 10 caused with sharp edged weapon were declared to be grievous in nature. Most of the injuries are attributed to the petitioners. Custodial interrogation of the petitioners is required to effect the recovery of weapons used by them in the incident and to find out as to how the incident was planned and executed; the identity of the unknown persons accompanying them who had also taken part in the assault on the

complainant is to be found out from the petitioners. In case, the custodial interrogation is denied to the investigating agency that shall leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for. Thus, considering the facts and circumstances of the case, no case for grant of pre-arrest bail to the petitioners is made out. The petition is found to be without any merit and is dismissed accordingly.

24.02.2021
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(H.S. MADAAN)
JUDGE

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