

CRM-M-38089-2020 (O&M);
 CRM-M-32019-2020 (O&M);
 CRM-M-36378-2020 (O&M) and
 CRM-M-33154-2020 (O&M)

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

(I) CRM-M-38089-2020 (O&M)

Nirmal Singh ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-32019-2020 (O&M)

Balkar Singh ...Petitioner

Versus

State of Punjab ...Respondent

(III) CRM-M-36378-2020 (O&M)

Rupinderjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

(IV) CRM-M-33154-2020 (O&M)

Jaswant Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 27.07.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Varinder Basa, Advocate, for the petitioner/s.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
 assisted by ASI Kuljeet Singh.

(proceedings conducted through video conferencing)

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GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the aforesaid four petitions i.e. CRM-M-38089-2020 filed on behalf of Nirmal Singh; CRM-M-32019-2020 filed on behalf of Balkar Singh; CRM-M-36378-2020 filed on behalf of Rupinderjit Singh and CRM-M-33154-2020 filed on behalf of Jaswant Singh, seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.115 dated 13.09.2020 at Police Station Ghanie Ke Bangar, District Gurdaspur, under Sections 323/324/326/148 & 149 IPC.
2. Vide order dated 11.01.2021 passed in CRM-M-38089-2020, the following contentions were recorded:

“Learned counsel for the petitioner submits that the FIR in question was lodged after a delay of 35 days and that in fact it is a case of cross-versions wherein three lady members from the side of the accused also sustained injuries including a ‘grievous injury’. Learned counsel in this regard has drawn the attention of this Court to MLRs of Paramjit Kaur, Balwinder Kaur and Baljit Kaur annexed as Annexure P-2. It has been submitted that in fact one of the four injuries sustained by Baljit Kaur i.e. injury No.4 has been declared a ‘grievous injury’.”

3. Learned counsel for the petitioners has submitted that although three persons from the side of the accused, namely, Baljit Kaur, Balwinder Kaur and Paramjit Kaur have been injured, but the police has not taken any action against the opposite side and is proceeding against the petitioners only.

4. On the other hand, learned State counsel has submitted that the application submitted on behalf of the accused regarding the injuries received by some members of their party was got verified and it was found that the injuries were self-suffered. Learned State counsel has, however, informed that the petitioners pursuant to interim directions have since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that FIR in question was lodged after a delay of 35 days and even some members from the accused side are also stated to have received some injuries, the veracity of the allegations as levelled in the FIR would be debatable. In any case, since the petitioners are already stated to have joined investigation, their custodial interrogation is not warranted. All the petitions, as such, are accepted and the interim directions issued by this Court vide order/s dated 11.01.2021 in CRM-M-38089-2020; 06.11.2020 in CRM-M-36378-2020; 16.10.2020 in CRM-M-33154-2020 and 09.10.2020 in CRM-M-32019-2020 are hereby made absolute subject to the condition that the petitioner/s shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. It is, however, directed that the investigating agency shall thoroughly examine the contentions of the accused that some members from their side had also sustained injuries and shall take into account the medical evidence in respect of such injuries before

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furnishing a definite opinion as to whether such injuries are self-suffered or have been caused in the same incident.

(GURVINDER SINGH GILL)
JUDGE

27.07.2021
Vimal

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