

CRM-M-38285-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38285-2020

Date of decision: 11.01.2021

Gurbir Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parveen Chauhan, Advocate,
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Valtaha, Camp at Bhikhiwind, District Tarn Taran, filed in the Registry, is taken on record.

Through this petition, the petitioners seek anticipatory bail in case bearing FIR No.136 dated 26.09.2020, registered at Police Station Khalra, District Tarn Taran, under Sections 452, 323, 324, 326, 148 and 149 IPC and Section 450 IPC (added later on).

Learned counsel for the petitioners contends that three injuries attracting Section 323 IPC have been attributed to petitioner No.1, whereas one injury on the right wrist of Gursharan Kaur with *kirpan*, to

CRM-M-38285-2020

petitioner No.2. Moreover, co-accused, namely Gurpreet Singh alias Gopy has since been granted anticipatory bail by the learned Additional Sessions Judge, Tarn Taran, vide order dated 09.11.2019, and co-accused, namely, Rajbir Kaur and Baljinder Kaur, have also been given the similar relief, vide order dated 10.12.2020 passed in CRM-M-36553-2020 by this Court.

Learned State counsel, while opposing the present petition, contends that the petitioners had caused injuries to the complainant party. However, he does not dispute the factum of grant of bail to the co-accused, as noticed above.

I have heard the learned counsel for the parties.

Petitioner No.1 has been attributed injuries attracting Section 323 IPC. Though petitioner No.2 has allegedly caused the aforesaid injury on the person of Gursharan Kaur, yet the fact remains that the same has been caused on her non-vital part.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds that no useful purpose will be served by sending or keeping the petitioners in custody. Therefore, finding merit in the present petition, the same is allowed. The petitioners are directed to join the investigation as and when called upon to do so and if they are sought to be arrested, they shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioners do not cooperate with the investigating agency, the

CRM-M-38285-2020

investigating agency would be liberty to move an appropriate application
for cancellation of bail.

11.01.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No