

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

CRM-M-39790 of 2020

DATE OF DECISION :- January 21, 2021

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for pre-arrest bail has been filed by petitioner Gurpreet Singh, an accused in F.I.R. No. 0095 dated 18.7.2020 under Sections 452, 323, 148, 149 IPC registered with Police Station Raman, District Bathinda.

Briefly stated the prosecution story is that on 15.7.2020 at about 9.00 P.M., when complainant Budh Singh son of Mehar Singh, resident of Dhani Phullo Khari, Tehsil Talwandi Sabo, District Bathinda, aged about 60 years along with his son Harbilas, wife Manjit Kaur and two daughters-in-law were talking with each other then Kulwinder Singh son of Sukhdev Singh armed with an iron rod, Reetu son of Kulwant Singh armed with a baseball bat, petitioner Gurpreet Singh son of Gopi Singh armed with a dang accompanied by two unidentified persons having baseball bats suddenly trespassed in their house raising lalkaras. They were followed by Pargat Singh, Sema Singh and Jagga Singh armed with dangs. Kulwinder Singh opened the attack giving a blow with iron rod on head of complainant hitting him on the left side, whereas the other such blow given by Kulwinder Singh hit the complainant on his left shoulder. Pargat Singh gave a stick blow on head of his son Harbilas Singh hitting him on his forehead. Sema

Singh gave a stick blow on Harbilas Singh hitting him on right arm. Reetu gave a baseball bat blow to the complainant hitting him on arm. Stick blow given by petitioner accused Gurpreet Singh hit the complainant on right side of rib. Jagga Singh gave several stick blows to Harbilas Singh on his left leg. Then the assailants gave fist and leg blows to them. On an alarm being raised by the complainant and his family members several people came to the spot then all the assailants ran away therefrom along with their respective weapons. The injured were taken to the hospital where they were got admitted. They were medically treated and medico legally examined.

On the basis of statement of injured Budh Singh, formal F.I.R was registered in the matter. Apprehending his arrest in this case, petitioner accused Gurpreet Singh had approached the Court of Sessions at Bathinda by moving an application for grant of anticipatory bail but such application was dismissed, as such he has knocked at the door of this Court craving for grant of similar relief. Notice of such application has been give to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that petitioner is innocent and has been falsely involved. Even otherwise if the prosecution story is taken as such the injury attributed to the petitioner is with a stick and is simple in nature. The petitioner has already joined the investigation as directed by this Court while granting him interim bail. According to him, it is a case of version and cross version, inasmuch as G.D. No. 33 was lodged on 18.7.2020 by Kulwinder Singh son of Sukhdev Singh in which he alleged that on the fateful day at about 9.00 P.M. Tari Singh son of Budh Singh armed with a baseball bat, Harbilas Singh son of Budh Singh having an iron rod, Budh Singh armed with a stick, Tari Singh and Babbi sons of Baghar Singh having sticks and Kali Singh son of Nazar Singh also having a stick had intercepted his Car and had assaulted him. He was taken to

house of Budh Singh where ladies also gave him leg and fist blows and his Car had been damaged. Learned counsel for the petitioner has prayed that petition be accepted. Learned State counsel on instructions from SI Harpreet Singh has conceded the factum of petitioner having joined the investigation and recovery of stick having been got effected by him. Learned State counsel has further contended that as per his instructions petitioner is not required for custodial interrogation.

Under such circumstances, the interim bail granted to the petitioner on 2.12.2020 is made absolute, subject to the following conditions :-

- (i) he shall join the investigation as and when so directed.
- (ii) he shall appear in the Court on each and every date of hearing.
- (iii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iv) he shall not leave India without prior permission of the Court.
- (v) he shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file the affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

January 21, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No