

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.54501-2021

Date of Decision: December 27, 2021

Binder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Hoshiar Singh, Advocate,
for the petitioner.

Mr.Davinderbir Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.229 dated 21.08.2021, under Sections 452, 324, 323, 148, 149 IPC 1860 and Section 326 IPC (added later on), registered at Police Station, Sadar Fazilka, District Fazilka. The petitioner apprehends his arrest at the hands of police.

The contents of the FIR, as noticed by the Additional Sessions Judge, Fazilka in his order dated 10.12.2021 while dismissing the application of the petitioner for grant of anticipatory bail, read as under:-

“The present FIR was registered at the instance of complainant Atma Singh on the allegations that on 18.08.2021 at about 8:30 PM, Satnam Singh armed with kapa, Balwinder Singh armed with dang, applicant Binder Singh armed with kirpan, Chindo Bai armed with sota, Paramjit Kaur armed with dasta, Simran Kaur empty handed, Kashmir Singh empty handed forcibly entered the house of complainant. Thereafter, Satnam Singh gave blow of kapa, which it on the four fingers of

his left hand, due to which he fell on the ground. Thereafter, Balwinder Singh gave blow of dang on the left side of head of complainant. Thereafter, applicant Binder Singh gave blow of kirpan from the back side, which hit on the left side of head of complainant, Chindo Bai gave blow of dang, which hit on the back side of left hand of complainant. It has been further alleged that Paramjit Kaur alongwith Simranjit Kaur were provoking the assailants to cause injuries on the person of complainant. Thereafter, complainant raised clamour, hearing which, all the accused ran away from the spot alongwith their weapons of offence.....”

Learned counsel has argued that though as per prosecution, the petitioner was armed with a sharp edged weapon (sword), but he had given blow from the reverse side of the said weapon on the back of the head of the victim (Atma Singh) and the said injury was found to be simple. He has further invited the attention of the court to the orders dated 17.12.2021 and 22.12.2021, whereby his co-accused, namely, Chhindo Bai and Satnam Singh, have been extended the concession of interim pre-arrest bail. He submits that the petitioner is willing to join the investigation and considering the role attributed to him, his custodial interrogation may not be necessary. He has further argued that a cross-case was registered against complainant Atma Singh and others under Section 354 IPC upon a complaint given by co-accused Paramjit Kaur. He prays for anticipatory bail.

Learned State counsel, assisted by ASI Jeet Singh has stated that the cross-version recorded at the instance of accused Paramjit Kaur was found false and the same has been cancelled. He further submits that no doubt the interim concession of pre-arrest bail has been extended to the co-accused of the petitioner, but the offence is serious and the petitioner

actively participated in the same. He prays for dismissal of the petition.

After hearing the learned counsel for the parties and considering the nature of the offence, particularly the stand of the prosecution that the victim lost three fingers of his left hand in the alleged attack opened by Satnam Singh along with other assailants, including the petitioner, who is also specifically named in the FIR, this court is of the opinion that the custodial interrogation of accused may be necessary. According to the prosecution, injured Atma Singh had suffered eight injuries in all and the petitioner, being member of an unlawful assembly, had given a blow to the victim on his head when he had already suffered grievous injuries inflicted by co-accused Satnam Singh. No doubt, the concession of interim pre-arrest bail has been extended to the co-accused Sastnam Singh, but considering the alleged nature and seriousness of the offence, no case is made out for grant of pre-arrest bail to the petitioner.

Dismissed.

December 27, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No