

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6188-2022 (O&M)
Reserved on: 15.03.2022
Pronounced on: 01.04.2022

Parminder Singh
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Anil Mehta, Advocate
for the petitioner(s).

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. Vinod Ghai, Sr. Advocate with
Mr. Gaurav Datta, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	7.1.2022	Zirakpur, District SAS Nagar	307, 452, 323, 427, 148, 149 IPC

1. The petitioner apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated February 14, 2022, this court had granted interim anticipatory conditional bail to the petitioner.
3. Ld. Counsel for the petitioner contends that he has complied with the conditions and the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Ld. counsel appearing for the State contends that the petitioner is not entitled to any bail. Ld. Sr. Advocate appearing for the complainant submitted that the petitioner had caused an axe blow on the head of son of the complainant, and given the nature of injury, the petitioner does not deserve bail.

REASONING:

5. The concerned Dy. Superintendent of Police has filed a status report. It appears that a cross-case was also registered at the instance of the petitioner's side. It would be relevant to extract paragraph II of the status report, which reads as follows:

"II. That the cross version under Sections 341/323/148/149 IPC (Section 308 IPC added later on) was registered at PS Zirakpur against Bahadur Singh, Pradeep Singh, Harinder Singh and 3-4 unknown persons vide DDR No. 16 dated 07/01/2022 on the statement of Baljinder Singh that on 06/01/2022 at about 8:30 PM, one Innova car bearing number CH-01-BW-7163 colour white came, out of which Bahadur Singh along with 3/4 unknown persons got down from the car. Thereafter, Jarnail Singh of their village asked Bahadur Singh and his associates to not sell drugs at that place, governments are stopping the drugs then on seeing this much by Jarnail Singh, Bahadur Singh along with his unknown accomplices raised a lalkara that they will sell the drugs in this manner and he could do whatever he wanted. In the meantime, he along with his father Pritam Singh came ahead to release Jarnail then during this time, Pradeep Singh and Harinder Singh came there with arms in their hands and immediately after coming, Pardeep Singh gave an iron rod blow on him, which had hit him on his head and the 2nd blow was given by Harinder Singh with the stick held in his hand, which had hit him on his right arm. He tried to save himself and his father Pritam Singh also came in front to get him released, upon which, Harinder Singh gave stick blow which had hit on the left arm of his father. Pardeep Singh gave an iron blow rod on his father which had hit on the head of his father. The aforesaid persons caught hold of them from the hair and had thrown them down on the ground and while they were down, the aforesaid persons along with the unknown persons raised slogans and while he was down, Pradeep Singh gave an iron rod blow, which had hit on his chest. They raised the noise of Marta-Marta and on seeing the injuries suffered by them and public gathering at the spot, all the aforesaid accused persons ran away from the spot with their respective weapons leaving behind their car. Thereafter, they arranged for a vehicle and got them admitted for treatment at Civil Hospital Dhakoli, where he was referred to of GMCH, Sector 32, Chandigarh where he was undergoing treatment. The reason for enmity were stated to be the fact that Baljinder Singh and others were selling drugs in their village and they were stopping them from doing so because of which they caused injuries on their person. Accordingly, appropriate legal action was sought against the aforesaid persons. Since, the perusal of the aforesaid statement prima facie revealed the commission of offences under Sections 341/323/148/49 IPC, therefore, the Cross version was registered at PS Zirakpur and investigation commenced."

6. A bare reading of the above aspect would *prima facie* entitle the petitioner for grant of bail at this stage. Any further discussions would prejudice the case of the complainant. Furthermore, as stated in paragraph 5 of the bail petition, the petitioner is a first offender, and one of the relevant factors would be to provide an opportunity to course-correct. Even a *prima facie* perusal of paragraphs 2(b), 2(c), 2(e), and 2(f), of the bail petition would justify bail at this stage.

Petition allowed in aforesaid terms. Interim order dated 14.02.2022 is made absolute subject to strict compliance of paragraphs 17 to 20 of the said order. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

April 01, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.