

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

- I)

CRM-M-8004-2022 (O&M)

Gurjeet Singh @ Kamla and another

... Petitioners

Versus

State of Punjab

... Respondent
- II)

CRM-M-10244-2022 (O&M)

Gurcharan Singh @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent
- III)

CRM-M-11376-2022 (O&M)

Surjit Singh

... Petitioner

Versus

State of Punjab

... Respondent
- Date of Decision:-5.9.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohan Singh Chauhan, Advocate,
for the petitioner(s) in CRM-M-8004-2022 and
in CRM-M-10244-2022.

Mr. Manipal Singh Atwal, Advocate,
for the petitioner in CRM-M-11376-2022.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Nishan Singh.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned three petitions filed on behalf of petitioners Gurjeet Singh @ Kamla, Karanjeet Singh @ Kaka, Gurcharan Singh @ Sonu and Surjit Singh seeking grant of anticipatory bail in respect of a case registered vide FIR No.158, dated 16.12.2021, Police Station Bhogpur, Jalandhar, under Sections 326, 323, 341, 506, 148 and 149 of Indian Penal Code, wherein offence under Section 201 IPC was added later on vide DDR No.31, dated 22.5.2022.
2. At the time of issuance of notice of motion in CRM-M-8004 of 2022, the following order was passed on 24.2.2022:

“The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.158 dated 16.12.2021, Police Station Bhogpur, District Jalandhar, under Sections 326, 323, 341, 506, 148 and 149 of Indian Penal Code, wherein the allegations, in nutshell, are to the effect that the accused had pushed around Anita Rani and had torn her clothes and had also inflicted 4-5 injuries to Sukhdev Singh including a grievous injury on his right hand.

Learned counsel for the petitioners submitted that while the incident had taken place on 13.6.2021, the present FIR came to be lodged after about 6 months i.e. on 16.12.2021. It has been submitted that although the complainant had initially made a complaint to the police on 2.7.2021, which was duly inquired into by the police, but the allegations were found to be false on the basis of call-detail record and tower location record. Learned counsel refers to General Diary No.055 dated 5.7.2021 (Annexure P-3), the relevant extract of which reads as follows:

“ Regarding this incident the CDR of Mobile No. 79781-57680 of injured Sukhdev Singh and Mb No. 84278-40383 of his uncle Surjit Singh was obtained and as per the CDR the mobile location of Sukhdev Singh and his uncle Surjit Singh on 13.06.2021 from 08:00 PM to 10:00 PM was of village Bhatnura Lubana and as per the CDR mobile location of 2nd party Kamla, Kaka and Surjit Singh i.e. Mb No. 87270-71071, 99154-58027 and 98769-99789 is of Bhogpur and Sukhdev Singh has also recorded in his statement that when the 2nd party caused injuries to him he called his uncle Surjit Singh and called him on the spot but as per the CDR of Sukhdev Singh and his uncle Surjit Singh there is no call between Sukhdev Singh and Surjit Singh on 13.06.2021 between 08:00 PM to 10:00 PM. Further as per CDR Tower location, Sukhdev Singh was not found to be present at highway near dally petrol pump and village Sada Chak and from investigation from people it is found that no fight took place and the incident stated/ alleged by Sukhdev Singh is totally false. Injured Anita Rani and Sukhdev Singh have alleged the said incident to put pressure on them due to registration of FIR no. 194 dated 28.10.2019 u/s 304-A, 352 of IPC registered at Bhogpur in connivance with her grandson Sukhdev Singh. However, near Dally petrol pump and village Sada Chak neither the injured is found to be present nor any incident of fight has been found to be occurred. Therefore, there is no need to take any action on the MLR of Sukhdev Singh and Anita Rani. Report of intimation registered.”

Learned counsel for the petitioners submits that somehow despite the matter having been inquired into, the police has now lodged the FIR without assigning any reason and without referring to the

earlier inquiry report/General Diary No.055 dated 5.7.2021 (Annexure P-3).

Notice of motion for 5.9.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. The petitioners in other two petitions i.e. CRM-M-10244-2022 and CRM-M-11376-2022 were also granted interim bail and the said petitions were also ordered to be heard alongwith CRM-M-8004-2022.
4. Learned State counsel, upon instructions from ASI Nishan Singh, has informed that that pursuant to interim directions, the petitioners have since joined investigation. It has, however, been submitted that the accused have not got the weapons of offence recovered.
5. This Court has considered the rival submissions.
6. Having regard to the facts and circumstances of the case and while also noticing that some kind of inconsistencies are brought about by the call-detail record as noticed in order dated 24.2.2022 passed in CRM-M-8004-2022, the petitions merit acceptance. Though it has been informed that the weapons of offence have not been got recovered, but the petitioners cannot be denied grant of anticipatory bail on the said count as recovery of weapons at their instance would virtually be self inculpatory. All the three petitions, as such, are accepted and the interim directions issued by this Court vide order

dated 24.2.2022 (passed in CRM-M-8004-2022), order dated 10.3.2022 (passed in CRM-M-10244-2022) and order dated 17.3.2022 (passed in CRM-M-11376-2022) are hereby made absolute, subject to the condition that the petitioners 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. A copy of this order be placed on the file of each connected case.

5.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No