

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

108

CRM-M-15023-2022

Date of Decision : **April 08, 2022**

BALWINDER SINGH @ BINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. K.S.Brar, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.22 dated 24.1.2022 under Sections 341, 307, 326, 323, 506, 427, 148 and 149 of IPC, registered at Police Station Civil Lines, Bathinda.

As pe the allegations contained in the FIR which was lodged on the basis of a statement made by one Rahul Khurana son of late Sh.Satish Khurana that he does the business of fruit and he has a two months' old daughter. On 23.1.2022, his mother Kavita was going with him on motor cycle from their house then at about 2.45 p.m. when they reached near the RO situated at Pakka Dhobiana then from the front side, Bagha Singh, Jassi Singh son of Binder Singh who were armed with kirpans and the petitioner Binder Singh, father of Jassi Singh, Veerpal Kaur and Ranjit Singh @ Afridi who were armed with iron kappa and he knew them from the beginning and the aforesaid accused in connivance with each other encircled the complainant and then the petitioner raised a

lalkara and said that today the complainant should not be let free and then Ranjit Singh @ Afridi gave a blow of kappa towards him which hit on his right arm and right thumb, second blow was given by Bagha Singh with an intention to kill him which hit on his head, third blow was given by Jassi Singh with an intention to kill him towards his head which also hit on his head. Then Ranjit Singh gave fourth blow of iron kappa which hit on his left hand towards wrist and the fifth blow was given by Bagha Singh towards him which hit on the index finger of the left hand and then sixth blow was given by Jassi Singh which hit on the left elbow and the seventh blow was given by Ranjit Singh which hit on the right knee and eighth blow was given by Bagha Singh which hit blow the left knee.

The learned counsel for the petitioner has submitted that even as per the FIR there is no specific role attributable to the petitioner because even as per the FIR he raised a *lalkara* only. He further submitted that one of the co-accused, namely, Veerpal Kaur wife of the petitioner has been granted bail by the learned trial Court. He submitted that in view of the aforesaid position, he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Davinder Bir Singh, learned DAG, Punjab has stated that he has received an advance copy of the present petition and has gone through the same and has also sought instructions from the concerned IO. He submitted that it is a case where a group of persons including the petitioner had given severe beatings to Rahul with sharp edged weapons and consequently the injured-Rahul received 8 injuries and 4 were declared grievous. He submitted that the argument

raised by the learned counsel for the petitioner that the only role attributable to the petitioner was *lalkara* is unsustainable in view of the fact that a bare reading of the FIR would show that the entire incident started on the incitement made by the petitioner when he encouraged the armed persons that the complainant should not be spared and, therefore, it is not a ground for grant of bail to the petitioner. He further submitted that the recovery of weapons is yet to be effected. He also submitted that mere fact that the wife of the petitioner has been granted bail by the learned trial Court would also vest no right to the petitioner on the ground of parity in view of the allegations against Veerpal Kaur in the FIR and the fact that she is a lady.

I have heard the learned counsels for the parties.

It is a case where a group of persons allegedly attacked the complainant-injured and according to the learned State counsel he received 8 injuries out of which 4 were declared as grievous with sharp edged weapons. The argument raised by the learned counsel for the petitioner that only role attributable to the petitioner was of *lalkara* is unacceptable in view of the fact that a bare perusal of the FIR would show that the entire incident started on the basis of a *lalkara* which was in the nature of an encouragement to a number of armed persons to attack one person which caused injuries on the head and four of injuries were declared as grievous. The argument raised by the learned State counsel that custodial investigation of the petitioner is required not only for the recovery of arms but also to ascertain the modus operandi adopted by a group of persons in attacking one single person does carry weight.

Therefore, considering the gravity of circumstances of the present case and the argument raised by the learned State counsel that it is a fit case for grant of custodial investigation, this Court is not inclined to grant anticipatory bail to the petitioner.

Consequently, the present petition is, hereby, dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 08, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No