

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

I) CRM-M-15193-2022 (O&M)

Gur Lal ... Petitioner

Versus

State of Haryana ... Respondent

II) CRM-M-15722-2022 (O&M)

Chamkaur Singh ... Petitioner

Versus

State of Haryana ... Respondent

Date of Decision:-31.8.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sukhvir Singh Sahu, Advocate,
for the petitioner CRM-M-15193-2022.

Mr. Sanjeev Bishnoi, Advocate,
for the petitioner in CRM-M-15722-2022.

Mr. Arun Beniwal, DAG, Haryana,
assisted by ASI Krishan Kumar.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Gur Lal and Chamkaur Singh seeking grant of anticipatory bail in respect of a case registered vide FIR No.56, dated 15.2.2022, Police

Station City Ratia, District Fatehabad, Haryana, under Sections 148, 149, 323, 341, 384 and 506 of Indian Penal Code.

2. Replies by way of affidavit of Shri Shukarpal Siraswal, H.P.S., Deputy Superintendent of Police, Ratia, District Fatehabad (Haryana) have been filed in both the cases by learned State counsel, which are taken on record.
3. The case of the prosecution, in nutshell, is that on 14.2.2022, when the complainant alongwith Gaurav Jindal was present near his shop, then two cars i.e. an Alto Car and a Skoda Car came there in which there were a total of 8 persons, which included Gurpreet, Babbu Gill @ Pappal, Raju @ Jagar, Sukhi and Rakesh Mehta @ Sundri, who were carrying weapons like sticks, iron pipe and rods. It is alleged that Sukhi and Rakesh Mehta @ Sundri caught hold of the complainant while Gurpreet gave a blow with iron rod on his head. Babbu Gill @ Pappal is also stated to have inflicted a blow with iron pipe on his head. Raju @ Jagar gave a blow with 'danda' on complainant's back. The other assailants are also stated to have inflicted injuries to the complainant on his legs. When the complainant's cousin Gaurav Jindal tried to intervene, he was also inflicted fist and kick blows. When they raised alarm several persons were attracted to the spot and the assailants fled away in their Skoda Car while the Alto Car was left at the spot. It is alleged that Gurpreet and one more person had been demanding an amount of Rs.5 lakhs from the complainant. It is further the case of prosecution that Babbu Gill @ Pappal and Jagsir Singh @ Raju @ Jagar were arrested by the police on 19.2.2022, who upon interrogation, disclosed their involvement and also the involvement of the present petitioners.

4. Learned counsel for the petitioners have submitted that the petitioners are nowhere named in the FIR and have been nominated as accused on the basis of a disclosure statement made by co-accused, which can hardly be said to be admissible in evidence in the absence of any other connecting evidence. It has further been submitted that though the prosecution claims that there is some CCTV footage, wherein the incident had been recorded, but no such CCTV footage establishes the identity of any of the accused.
5. Learned counsel representing the petitioner Chamkaur Singh (in CRM-M-15722-2022) has submitted that he has a clean record and is not involved in any other case and has been implicated falsely. A similar submission has been made on behalf of the petitioner Gur Lal (in CRM-M-15193-2022), who has further gone to the extent of submitting that his client in order to prove his *bonafides* but without prejudice to his rights of defending the case and without such offer being construed as any kind of admission of guilt, is willing to pay compensation to the injured to the extent of Rs.50,000/-.
6. Opposing the petition, learned State counsel has submitted that since both the petitioners have specifically been named by the co-accused, whose name figures in the FIR itself, the complicity of petitioners is clearly evident. Learned State counsel has further informed that while petitioner Chamkaur Singh is not involved in any other case previously, the petitioner Gur Lal happens to be involved in 4 other cases though he has been acquitted in 1 of the said cases. It has been informed that the petitioners otherwise have joined investigation.
7. I have considered rival submissions addressed before this Court.

8. Having regard to the facts and circumstances of the case particularly the fact that none of the petitioner is named in the FIR and that they have since joined investigation, both the petitions are accepted and the interim directions issued by this Court vide order dated 27.4.2022 (passed in CRM-M-15193 of 2022) and order dated 20.4.2022 (passed in CRM-M-15722 of 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.
9. It is, however, directed that the petitioner Gur Lal, as per his offer made before this Court, shall pay an amount of Rs.50,000/- as compensation to the injured/complainant within a period of 4 weeks from today. However, the payment of such compensation shall be without prejudice to the rights of the petitioner Gur Lal to defend his case and shall not be construed to be any kind of admission on his part as regards his alleged guilt.
10. A photocopy of this order be placed on the file of connected case.

31.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No