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Date of Decision: 19.01.2022

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Surabhi Kaushik, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jaswant Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a cross-version i.e. DDR No.45 dated 23.05.2021 under Sections 452/323/324/427/148/149 IPC (Section 326 IPC added later on) lodged in the matter pertaining to FIR No.0053 dated 22.05.2021 under Sections 295-A/323/506/148/149 IPC at Police Station Chohla Sahib, District Tarn Taran, Punjab.
2. At the time of issuance of notice of motion, the following order was passed on 19.08.2021:

“The petitioner seeks grant of anticipatory bail in respect of a cross-version i.e. DDR No. 45, dated 23.5.2021 (Annexure P-2) lodged in the matter pertaining to FIR No. 53, dated 22.5.2021 (Annexure P-1).

The FIR (Annexure P-1) which was lodged at the instance of Gahail Singh is to the effect that on 21.5.2021 when the petitioner was standing outside his house, Paramjit Singh Ex-Sarpanch was seen

leveling soil on the common land where Langar Hall of Baba Balmik Ji was being constructed and a flag of Baba Balmik had been installed. It is alleged that Paramjit Singh uprooted the said flag and threw the same on the ground. When the petitioner raised alarm, Charanjit Singh, Harjit Singh and Gural Singh were attracted at the spot and while the complainant was apprising them about the incident, Paramjit Singh came there with a '*dang*' and gave a blow with the same on the elbow of Simarjit Kaur. Baljit was also carrying a '*dang*' gave a blow with the same on the right shoulder of Sukhwinder Kaur. Jatinder Singh, Harmandeep Singh and Kuldeep Singh who were all carrying stones threw the same hitting Paramjit Kaur wife of Gural Singh.

A cross-version also came to be lodged on the next day i.e. on 23.5.2021 at the instance of Ram Baldev Singh wherein it is alleged that on 21.5.2021 when he went out for a walk after dinner in the street, the accused who were armed assaulted him. It is alleged that Gural Singh was carrying a 'rod'. It is alleged that Gurbakshish Singh armed with 'baseball', Lovepreet Singh @ Labbu, Jugraj Singh and Gurjant Singh armed with '*kirpan*', Jasbir Singh, Gehal Singh and Pargat Singh armed with '*dang*', Akashdeep Singh armed with '*datar*', Tarsem Singh armed with 'brickbats', came up to him while raising *lalkaras*.

It is further alleged in the cross-version that while Gural Singh gave a blow with 'rod' hitting Gagandeep Singh on his right shoulder, Gurbakshish Singh gave a blow on the left hand of the complainant. Lovepreet Singh whose correct name is stated to be Gurpartap Singh (petitioner) is alleged to have given blow with '*kirpan*' to Karandeep Singh on his left hand. Jasbir Singh is stated to have given a blow with '*dang*' to Mandeep Kaur on her head. Pargat Singh, who was carrying a '*dang*' hit Gagandeep on his left shoulder. Tarsem Singh is stated to have broken the window panes of the house of the complainant while Gehal Singh who was carrying a '*dang*' is stated to have been raising *lalkaras* exhorting his companions to cause injuries.

Learned counsel for the petitioner has submitted that it is a case of cross-versions, where the version against the petitioner came to be recorded belatedly and apparently after having made consultations. It has further been submitted that all other co-accused have already been granted bail and in these circumstances the petitioner also deserves the concession of bail. It has further been submitted that in any case the injury attributed to the petitioner is on a non-vital part and as such in a

case of cross-version wherein 326 IPC came to be added later, he deserves to be released on bail.

Notice of motion for 19.1.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the 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. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 19.08.2021 are hereby made absolute subject to the condition that the petitioner 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.

19.01.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**