

202-C

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39467-2021 (O&M)
Date of Decision:15.02.2022

Gurdit Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Charanjit Singh Bakhshi, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.05 dated 09.01.2021 registered under Sections 324, 323, 336, 427, 148 and 149 IPC and Sections 25/27 Arms Act, 1959 (Sections 307/120-B IPC added later on) at Police Station Sujampur, District Pathnakot. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of Harjit Singh and the allegations as noticed by the Id. Addl. Session Judge-I, Pathankot in the order dated 20.08.2021 are as under:

“Brief facts of the case are that the FIR was registered on the statement of complainant Harjit Singh wherein he asserted that on 08.01.2021, he along with Gurdarshan Singh alias Lucky, Harwinder Singh and Gulab Singh were sitting in the office of crusher and they were talking with each other regarding business. At about 6:00 PM, Abishiek Sharma alias Kaku armed with iron rod, Akash Sharma armed with dang, Ashwani Kumar armed with pistol, Baldev Pawan armed with datar, Rishav Sharma armed with baseball, Fauji son of Hanwat Rai armed with iron rod, Master Shanti Parkash armed with dang, Gurdev Singh armed with pistol, Vinod Kumar armed with pistol, Baba Gurdit Singh

Nihang armed with Kirpan, Amit Tarehan armed with iron rod and 15/20 unknown persons along with Nihang Sikh in six vehicles Bolero, Innova, Fortuner, Cars and canter had come by raising lalkaras in Crusher. Gurdev Singh raised lalkara in a loud voice stating that they be taught a lesson to sit in crusher and he fired 2/3 shots in air and in the meantime Vinod Kumar above said, who was armed with pistol of Amit Trehan and Ashwani Kumar both fired air shots with their respective pistols and Gurdev fired shot with his pistol on him with intention to kill him. He suddenly went aside and the said shot hit on the leg of Gurdarshan Singh who was standing at the door of office. Ashwani Kumar took the datar from unknown personal and gave the blow from reverse side of said datar which hit on his head. Abhishek Kumar gave the dasti iron rod blow which landed on his left wrist, Akash Sharma gave the dang blow which hit on his left leg under the knee, Rishav Sharma gave the blow of baseball which hit on his lower right leg. Thereafter, Fauji gave the iron rod blow which hit on his left thigh. He fell on the ground stomach-wise. Baldev Pawan gave datar blow while he was lying on the ground which hit on the back side of his neck. Master Shanti Parkash Sharma gave dang blow on him while he was lying on the ground which hit on his waist. They all Harvinder Singh, Gurdarshan Singh and Gulab Singh gave numerous injuries and injured them. They raised alarm “ Mar Ditta Mar Ditta” which attracted to the persons of nearby crushers and thereafter all the assailants ran away from the spot along with their respective weapons and while going they also damaged their vehicles along with standing vehicles at crusher. The entire occurrence was witnessed by Munshi Shiv Mahajan employed at Crusher. The injured were removed to hospital for treatment. The offence was made out under Sections 323, 324, 336, 427, 148, 149, read with Section 25/27/54/59 of Arms Act.”

Learned counsel has argued that though the petitioner is named in the FIR along with other accused persons, but no specific overt act is attributed to him. He submits that during investigation, out of total eleven accused persons, nine have already been declared innocent and petitioner along with co-accused Gurdev Singh are being accused of causing injuries to the complainant and others. He prays for concession of anticipatory bail, as the petitioner is willing to join the investigation.

Learned State counsel assisted by SI Harmesh Kumar does not dispute the fact that during investigation, nine co-accused of the petitioner

have been declared innocent and co-accused Gurdev Singh is in custody. According to him, the petitioner was armed with a kirpan, but concededly he is not accused of causing any injury to any of the injured persons.

Considering the above background, particularly the role attributed to the petitioner, but without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that in the event of arrest of the petitioner, he be released on bail subject to his furnishing requisite bonds to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall continue to join the investigation as and when called upon to do so and shall also abide by the conditions enshrined under Section 438 (2) Cr.P.C.

15.02.2022

Jasmine Kaur

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No