

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

(I)

CRM-M-31992-2019 (O&M)

Date of Decision:- 12.7.2022

Surjit Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

(II)

CRM-M-38061-2019 (O&M)

Lali Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Chandan Singh, Advocate, for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by HC Nazar Singh.

Mr. G.S.Nahel, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Surjit Singh, Gagandeep Singh, Lali Singh and Bobli Singh, seek grant of anticipatory bail in a case registered vide FIR No.83, dated 6.7.2019, Police Station Moonak, District Sangrur,

under Sections 452, 323, 427, 148, 149 of IPC (Sections 201 and 325 IPC added later on).

2. The allegations as per the FIR are that petitioners along with Sheela Singh and Mohan Singh trespassed into the house of Shamsheer Singh and inflicted injuries to him with the help of '*kirpan*', axe, iron rod.
3. Learned counsel for the petitioners has submitted that all the injuries were found to be simple in nature and that offence under Section 452 IPC already stands deleted. It has been submitted that the petitioners have joined investigation and challan stands presented, the petitioners deserves the concession of anticipatory bail.
4. Learned State counsel assisted by learned counsel for the complainant have however, opposed the petition vehemently on the ground that it is a case where a large number of injuries were inflicted to injured Shamsheer Singh with the help of sharp edged weapons and infact one of the injury was inflicted on head which required 8 stitches and that as many as 3 fractures were found on the other parts of the body. It has been submitted that in these circumstances it is fairly evident that Shamsheer Singh had been inflicted injury in an attempt to kill him. Learned State counsel has however, informed that pursuant to interim directions, the petitioners have joined investigation and that while petitioner Lali Singh has been found innocent, the challan stands presented against the remaining accused including the petitioners for offences Sections 323, 325, 427, 148 and 149 IPC.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that the matter stands investigated and challan stands presented for offences under Sections 323, 325, 427, 148 and 149 IPC, it is not a case which would warrant any custodial interrogation at this stage. In these circumstances both the petitions are accepted and the interim directions issued by this Court vide order dated 21.8.2019 and 9.9.2019 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. It is however, clarified that when the matter is taken up before the trial Court for considering the framing of charges, the trial Court shall take into account all the necessary facts i.e. the nature of weapon, seat of injury and the nature of injuries.
8. A photocopy of this order be placed on the file of each connected case.

12.7.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No