

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

201

**CRM-M-45239-2021
Date of decision: 02.02.2022**

RESHAM SINGH AND ANOTHER

.....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Lakhwinder Singh Mann, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

Mr. R.S.Bains, Senior Advocate with
Ms. Aarushi Garg, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case, FIR No.35 dated 17.03.2018 registered under Sections 341, 323, 506, 201, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Sadar Mehatpur, District Jalandhar Rural.

The above-said FIR was registered on complaint made by Hardev Singh on the averments that complainant had filed a complaint

against Manjit Kaur, Sarpanch of their village and her husband Resham Singh before District Panchayat Officer, Jalandhar regarding the misappropriation of government grants. On 15.03.2018, he had gone to the office of District Panchayat Officer, Jalandhar to attend the hearing of the said case where hot words were exchanged between him (complainant) and petitioner No.1-Resham Singh. After attending the case when complainant was going back to his village then the petitioners along with other co-accused waylaid and attacked him. Resham Singh raised Lalkara for teaching him (complainant) a lesson for registration of cases against them. Petitioner No.1-Resham Singh gave stick blow upon his right elbow and legs. Petitioner No. 2-Rajvir Singh armed with dattar gave dattar blow upon left arm of the complainant. Charanjit Singh and Manjinder Singh came forward to rescue the complainant and on raising of hue and cry, the assailants left from the spot with their respective weapons.

The petition has been opposed by the learned State Counsel in terms of reply/status report filed by way of affidavit of Jasbinder Singh, PPS, Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural) which is taken on record.

The petition has also been opposed by learned Counsel for the complainant.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant and gone through the record.

Learned Counsel for the petitioners has submitted that the

present case is case of version and cross version. The petitioner No. 1- Resham Singh had also got registered a cross version case against the complainant and other co-accused vide DDR No. 40 on the same day itself. After registration of the FIR and DDR, Sections 326 and 324 of the IPC were added later on. Upon enquiry, the police authorities deleted Sections 326 and 324 of the IPC and presented the challan against the petitioners. The petitioners filed anticipatory bail application before the learned lower Appellate Court and the same has been wrongly dismissed by learned Additional Sessions Judge, Jalandhar while observing that the police has wrongly deleted the offences under Section 324 and 326 and has indirectly directed the learned Magistrate to frame charge under Sections 326 and 324 of the IPC.

Learned Counsel for the petitioners has further submitted that after addition of Sections 326 and 324 IPC, co-accused Ranjit Singh and Sarabjit Singh have already been granted interim anticipatory bail vide order dated 19.11.2018 and 11.10.2018 and the same were confirmed vide order dated 27.11.2018 and 18.10.2018, respectively (Annexures P-3 to P-6) by the learned lower Appellate Court. The petitioner No. 1 is only attributed to inflict injury upon the elbow of the complainant with wooden stick and petitioner No. 2 is attributed to inflict injury with dattar upon non vital part of the complainant. The custodial interrogation of the petitioners is not at all required. The petitioners are ready and willing to join the investigation.

After arguing for some time, learned Counsel for the

petitioners has sought withdrawl of present petition qua petitioner No.2-Rajvir Singh and seeks grant of anticipatory bail qua petitioner No. 1-Resham Singh only.

Opposing the contentions, learned State Counsel has vehemently argued that the custodial interrogation of the petitioners is required for thorough and fair investigation.

After having heard and considering the factual position discussed above that attribution to petitioner No.1-Resham Singh is only with regard to raising of lalkara and wooden stick blow to the complainant and the custodial interrogation of the petitioner No.1-Resham Singh is not required, the present petition is disposed of with a direction to the petitioner No.1-Resham Singh to join the investigation and remain present as and when called for and in the event of arrest, the petitioner No.1-Resham Singh shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner No.1-Resham Singh shall also abide by the conditions as specified under Section 438(2) Cr.P.C. failing which the protection of anticipatory bail order shall not be available to him.

The present petition for grant of anticipatory bail qua petitioner No.2-Rajvir Singh is dismissed as withdrawn.

02.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No