

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

210

CRM-M-52786-2022 (O&M)

Date of Decision: 08.12.2022

Princepal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Avtar Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.105 dated 02.10.2021 at Police Station Verowal, District Tarn Taran, under Sections 326/323/427/506/148/149 IPC.
2. The FIR in question was lodged at the instance of Mangal Singh, wherein it has been alleged that on 20.09.2021, when he was going on his motorcycle to visit Dr. Ranjit Singh, then he was waylaid by Baldev Singh, Harmandeep Singh, Sarabjit Singh, Princepal Singh (petitioner), Lovepreet Singh, Basant Singh and Nishan Singh. It has been alleged that Nishan Singh raised a *lalkara* exhorting his companions to teach the complainant a lesson for helping Ravinder Singh. It has been alleged that immediately thereafter Sarabjit Singh inflicted a blow with *gandassi* from its reverse side on the head of the complainant. Princepal Singh (petitioner) is alleged to have inflicted a blow with *kirpan* on the wrist of

the complainant. Lovepreet Singh and Basant Singh allegedly gave kick blows while the complainant was lying down. Baldev Singh and Harmandeep Singh damaged his motor-cycle and dragged the complainant from his T-shirt.

3. Learned counsel for the petitioner has submitted that he is attributed a blow on a non-vital part of the complainant i.e. on his wrist though the same, as per the prosecution, is declared as a grievous injury. It has further been submitted that the complainant has in fact suppressed the genesis of occurrence inasmuch as 2 persons from the side of the accused, namely, Lovepreet Singh and Rajwinder Singh also sustained injuries and that both of them sustained injuries on their skulls though simple injuries.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is attributed a grievous injury with a lethal weapon i.e. sword, no case for grant of anticipatory bail is made out. Learned State counsel has, however, not disputed the fact that 2 persons from the side of accused have also sustained injuries on their skulls. It has been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered rival submissions.
6. Having regard to the fact that 2 persons from the side of the accused also sustained injuries on their skulls, it will be debatable as to which of the party is aggressor. The petitioner, in any case, is attributed an injury on non-vital part i.e. on wrist of the complainant, who had sustained 2 injuries in all i.e. one simple injury on his head and one grievous injury on his wrist. The petitioner otherwise enjoys a clean record. In these

circumstances, this Court is of the opinion that it is a fit case for granting anticipatory bail to the petitioner. The petition, as such, is accepted and the petitioner, in the event of his arrest, is ordered to be released on 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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

08.12.2022

Vimal

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