

201(3 cases)

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

(1) **CRM-M-13698-2022 (O&M)**

JASKARAN SINGH @ JASS DHAMI ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

(2) **CRM-M-18395-2022 (O&M)**

KULVIR SINGH DHAMI @ ROCK ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

(3) **CRM-M-32133-2022 (O&M)**
Date of Decision : 24.03.2023

HONEY KUMAR @ HONEY ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Piyush Khanna, Advocate
for the petitioner(s) in **CRM-M-13698-2022**
and in **CRM-M-18395-2022**.

Mr. Sanjeev Kumar, Advocate
for Mr. Umesh Sharma, Advocate
for the petitioner in **CRM-M-32133-2022**.

Mr. SubhashGodara, Addl. A.G., Punjab.

Mr. Surinder Thakur, Advocate
for the complainant (in all the cases).

HARSH BUNGER, J. (ORAL)

CRM-36477-2022 in **CRM-M-18395-2022**

This is an application for placing on record the photographs of
the complainant as well as complaint dated 07.06.2022 moved before the

police against the petitioner as Annexures A-1 and A-2 and also for exemption from filing certified/original copies thereof.

Criminal Misc. Application is allowed, as prayed for.

Annexures A-1 and A-2 are taken on record, subject to all just exceptions.

CRM-M-13698-2022

CRM-M-18395-2022 (O&M)

CRM-M-32133-2022

This order shall dispose of three petitions bearing ***CRM-M-13698-2022*** titled as “***Jaskaran Singh @ JassDhami Versus State of Punjab***”, ***CRM-M-18395-2022*** titled as “***Kulvir Singh Dhami @ Rock Versus State of Punjab*** and ***CRM-M-32133-2022*** titled as “***Honey Kumar @ Honey Versus State of Punjab***” as all these petitions have emanated from common FIR.

Prayer in all these petitions, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioners in case FIR No.244 dated 11.10.2021, registered under Sections 323, 324, 148, 149 and 427 of the Indian Penal Code (later on added Section 326 IPC in ***CRM-M-13698-2022*** and ***CRM-M-18395-2022*** and Sections 325 and 326 in ***CRM-M-32133-2022***) at Police Station Model Town, District Hoshiarpur.

Succinctly, the above-said case FIR was registered on the statement of one Ishant Singh son of Late Jatinder Singh resident of Near Desh Bhagat ITI New Fatehgarh, Ward No.13, Police Station Model Town, Hoshiarpur, who stated that on 05.10.2021, at around 7:30 p.m., he had gone to his friend Harjinder Singh for some work at Dagana Road in his car (make ‘Tata Safari’ colour ‘Black’) bearing Registration No.PB-10-DB-7596 and when he reached at the liquor shop at Dagana Road, then two cars (bearing Registration nos.PB-46-E-2525 make ‘Innova’ and PB-09-0353 make ‘Alto K10’), which were chasing him since long, came and then one Innova car

stopped behind his car and another Alto car stopped ahead of his car. It is submitted that when the complainant went to liquor shop, then the persons alighted from said cars, who were armed with deadly weapons and entered into the *Ahata* and attacked him with intention to kill. One Arshdeep son of Balwinder Singh resident of Singriwala, Model Town, Hoshiarpur, is alleged to have given first blow by using his *khanda*, which directly hit upon his head. Second blow was allegedly given by Rock (petitioner in ***CRM-M-18395-2022***) with his *khanda* and the same hit the right side of the head of the complainant. It is alleged that thereafter the complainant rushed outside the *Ahata*, where JassDhami (petitioner in ***CRM-M-13698-2022***), Honey (petitioner No.***CRM-M-32133-2022***) Gurjit, Bobby, Ravi Bhullar and one unknown person encircled him. Then, JassDhami gave *khanda blow* on the head of the complainant and when he tried to stop the same by bringing his left arm forward, then the blow hit on the wrist of his left hand and he was again attacked on his head and when he tried to stop the said blow, the same hit on his left arm. It is alleged that Gurjit Singriwala gave his *kirpan blow* which hit on the left leg of the complainant due to which he fell down and then Ravi Bhullar gave blow of his baseball bat, which hit on the backside of his left shoulder and they all kept on beating him. It is further alleged that they took away the mobile phone, purse, gold chain, articles lying in the car and also damaged the car of the complainant and even took him around 200 meters away and continue to hit him, whereupon, the complainant became unconscious and was admitted to the Civil Hospital. Accordingly, the above-said case FIR was registered.

Vide order dated ***01.04.2022***(passed in ***CRM-M-13698-2022*** titled as ***Jaskaran Singh @ JassDhami vs State of Punjab***); order dated ***19.05.2022*** (passed in ***CRM-M-18395-2022*** titled as ***Kulvir Singh Dhami***

alias Rock vs State of Punjab); and order dated **26.07.2022**(passed in **CRM-M-32133-2022** titled as *Honey Kumar @ Honey vs State of Punjab*); the interim bail was granted to the petitioner(s) therein.

On 10.11.2022 (in all the cases), learned State counsel made a statement that the petitioner(s) in the above-said petitions have joined the investigation and have co-operated with the investigation process and the weapons have also been recovered and were not required for further custodial interrogation. However, learned counsel for the complainant raised an objection that the police was siding with the accused party and a further submission was made that subsequent to the lodging of the FIR, the complainant had submitted another complaint which was not being looked into; accordingly, the Senior Superintendent of Police, Hoshiapur was directed to file his own affidavit.

In pursuance of said order dated 10.11.2022, an affidavit dated 18.01.2023 of Mr. Sartaj Singh Chahal, I.P.S., Senior Superintendent of Police, District Hoshiarpur, was filed (in **CRM-M-18395-2022**), wherein, it has been stated as under :-

“4.That it is respectfully submitted that on perusal of the record, it has been found that FIR No.244 dated 11.10.2021 under Section 323, 324, 148, 149, 427 IPC (Section 325, 326 added later on) was registered at Police Station Model Town, Hoshiarpur on the statement of Ishant Saini against 1)Arshdeep Singh (declared innocent during further investigation), 2) Rock Dhami @ Kulvir Singh Dhami, 3)Jaskaran Singh @ JassDhami, 4)Gurjeet Singh, 5)Ranjit Singh @ Bobby, 6) Honey Kumar @ Honey and 7) Ravinder Singh @ Ravi Bhullar.

That on the other hand a representation dated 07.06.2022 (Annexure A-1), was received in the office of the deponent and the same was endorsed with No.4854-PD dated

08.06.2022 and the same was marked to Deputy Superintendent of Police, Sub-Division City Hoshiarpur, for verifying the facts and necessary action as per law. That thereafter, the said inquiry was marked to the Station House Officer, Police Station Model Town, Hoshiarpur.

That after the due inquiry by the Station House Officer, Police Station Model Town, it has been found that no such incident took place, however, still due to the background of the accused as well as their previous antecedents the Station House Officer, Police Station Model Town, Hoshiarpur, has issued Kalandra vide DDR No.13 dated 08.12.2022 under Section 107/150 Cr.P.C., Police Station Model Town, Hoshiarpur, against Kulvir Singh @ Rock, Jaskaran Singh @ Jass and Honey Kumar @ Honey before the competent authority i.e. SDM, Hoshiarpur, as the accused may fight/attack again.

That thereafter, the Deputy Superintendent of Police, Sub-Division City, Hoshiarpur, has submitted his report dated 14.01.2023 and the same has been seen by the deponent. The copy of the report dated 14.01.2023 is attached as Annexure R-1/T.

That on the other hand the deponent has further directed the Station House Officer, Police Station Model Town, Hoshiarpur to give the PCT Number, Control Room Number, Mobile Number of Head Munshi, Police Station Model Town, Hoshiarpur and Deputy Superintendent of Police, Sub-Division City, Hoshiarpur to Ishant Saini so that in case of any emergency/threat he can contact on these numbers and immediate action can be taken in accordance with law.

5. That it is respectfully submitted that in regard to the statement given by ASI Onkar Singh No.207/HSP before this Hon'ble Court on 10.11.2022 the same has been examined and it has been found that till that date i.e. 10.11.2022 the inquiry was still pending and was not concluded. That ASI Onkar Singh No.207/HSP has shown his

negligence by not giving the proper information to the Hon'ble Court as well as the Ld. Senior Deputy Advocate General, thus a Departmental Inquiry has been initiated against him vide Order No.1230-35/PA dated 13.01.2023."

Learned counsel for the petitioner(s) (in all the petitions) state that the petitioners have joined the investigation and have cooperated with the Investigating Agency.

Learned State counsel, on instructions from ASI Gurdeep Singh, has re-iterated that the petitioners have joined the investigation and are not required for custodial interrogation, at this stage.

Learned counsel for the complainant has stated that in view of the affidavit filed by Senior Superintendent of Police, Hoshiarpur, the complainant would pursue his remedy in accordance with law.

I have heard learned counsel for the parties and perused the paper book with the able assistance.

Since the petitioner(s) (in all these petitions) have joined the investigation and their custodial interrogation is not required at this stage; accordingly, all three above-mentioned petitions are allowed and the ad-interim bail granted to petitioner-Jaskaran Singh @ Jass Dhami in **CRM-M-13698-2022** vide order dated **01.04.2022**; Kulvir Singh Dhami alias Rock in **CRM-M-18395-2022** vide order dated **19.05.2022** and Honey Kumar @ Honey in **CRM-M-32133-2022**, vide order dated **26.07.2022**, are made absolute. However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioners (in all the petitions) fail to comply with any of the bail conditions laid down under Section 438(2) of the

Code of Criminal Procedure, the State would be at liberty to move an application for cancellation of their anticipatory bail.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The above-said petitions are accordingly disposed of.

All pending application/s, if any, shall stand closed.

A photocopy of this order be placed on the files of other connected cases.

March 24, 2023
Himani/gurpreet

(HARSH BUNGER)
JUDGE

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