

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

**CRM-M-16021-2023 (O&M)
Date of decision : 03.08.2023**

Harman Singh and another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.30 dated 06.02.2023, under Sections 323, 324, 147, 149 of the Indian Penal Code, 1860 (*for short 'the IPC'*) [Section 326, IPC added later on], registered at Police Station Samrala, District Ludhiana.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Paramjit Kaur to the effect that on 04.02.2023 at about 03:00 PM, when her son-Harpinder Singh and one Rajvir Singh had gone to attend the Nagar Kirtan in Village Manki, where accused Jagroop Singh (petitioner No.2), Navjot Singh, Harman Singh (petitioner

No.1) and Ram Charan gave beatings to them. Thereafter, son of the complainant and Rajvir Singh came back home. Again, on the same day at about 04:40 PM, Jagroop Singh, armed with *Kirpan*, Navjot Singh & Harman Singh, both armed with *Kirch*, Ram Charan along with six unidentified persons, all armed with Baseball & Iron Rods, came in the street and gave beatings to her son and Rajvir Singh. When complainant tried to intervene, accused Navjot Singh gave *Kirch* blow; whereas Ram Charan gave Baseball blows on her head. On raising alarm, accused fled away from the spot.

(3) The Coordinate Bench, vide order dated 29.03.2023, granted interim bail to petitioners and the same reads as under:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 30 dated 06.02.2023 registered under Sections 323, 324, 147 and 149 of the Indian Penal Code (Section 326 IPC added later on) at Police Station Samrala, Ludhiana.

Learned counsel for the petitioners contends that petitioners have been falsely implicated in the present case as perusal of the contents of FIR itself reveals that no specific injury has been attributed to the petitioners. He further contends that initially the FIR was registered under Sections 323, 324, 506, 148 and 149 of the Indian Penal Code and Section 326 IPC was added later on and both the petitioners are having clean antecedents. Learned counsel submits that nothing is to be recovered from the petitioners and they are ready to join the investigation.

Notice of motion.

Mr. Gurdarshan Singh Sidhu, AAG Punjab, who is present in the Court, accepts notice on the asking of the Court and on instructions from ASI Baldev Singh submits that petitioners were carrying Kirch and Kirpan but could not dispute the fact that no specific injury is attributed to the petitioners.

Adjourned to 20.05.2023.

Meanwhile, in the event of arrest, the petitioners are ordered to be released on interim bail on their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioners have already joined the investigation and their custodial interrogation is not required.

(5) Learned State Counsel, on instructions, submits that petitioners have joined investigation and as on today, their custodial interrogation is not required.

(6) In view of above, interim order dated 29.03.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(7) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(9) Disposed off accordingly.

August 3rd, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>