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307(2 cases)

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

(1)

CRM-M-26607-2022

Date of Decision:- 26.04.2023

Sarabjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-36617-2022

Date of Decision:- 26.04.2023

Nikku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Kuldeep Kumar Sarthi, Advocate for the petitioners.

Mr. M.S.Joshi, Addl. A.G. Punjab.

Mr. Rahul Bhargava, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

The petitioners – Sarabjeet Singh and Nikku have filed separate petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 104 dated 10.05.2022, registered under Section 365, 323, 325, 148, 149 of IPC (offence under Section 308 of IPC added later on vide order dated 16.03.2023) at Police Station Division No. 7, District Police Commissionerate, Ludhiana. Both these petitions have arisen out of the same FIR, therefore, both the petitions are taken up together for disposal.

The facts of the case that Harsh Kumar – complainant gave his statement to the police that he is running a Saloon in the name of Usam Styles at Bhamian Khurd. He had altercation with Sunny Jindal, Bali Jindal and Sarabjeet Singh some time ago. Sunny Jindal and Bali Jindal who are sons of Vipin Jindal had called him in the evening at Sector 32 that they would settle the matter through compromise. He along with his father Jajji Ravi Kumar reached at the aforesaid place i.e. opposite Passion Fruit. At about 07:00 P.M. Bali Jindal armed with iron rod, Sunny Jindal empty handed, Nikku and Sarabjeet Singh came in a car bearing No. PB 10 -GU 8888 make Swift, accompanied by 10 to 12 unidentified persons. They caught hold of him and his father and they were forcibly put in the vehicle. They caused them injuries. Sunny Jindal gave fist blows, Bali Jindal gave blow from reverse side of *datar* which hit on his face, nose and other parts of the body. His father was also beaten up with kick blows, brick blows and with a glass bottle. His friend Pratham reached on the spot along with the mother of complainant namely Poonam Rani. Mansi Jindal gave fist blows to his mother, whereas, Sunny Jindal and Bali Jindal gave glass bottle blows on the head of Pratham and caused him injury. On the alarm raised by them, people started collecting there and the assailants left the spot in their vehicle. They were taken to civil hospital where they were medically examined.

Learned counsel for the petitioners Sarabjeet Singh and Nikku argued that all the allegations levelled against them are false. The blows are attributed to Sunny Jindal and Bali Jindal. They are falsely implicated in this case. No specific role is attributed to them. They have already joined the investigation on granting *interim* bail. It is prayed that *ad*

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interim bail already granted in their favour may be confirmed.

The bail applications are opposed by learned counsel representing the State. It is argued that both the petitioners are specifically named. Both Harsh Kumar and his father had received serious injuries. The detail of injuries suffered by them is duly mentioned in the status report. However, it is conceded that after the grant of *ad interim* bail, the petitioners have joined the investigation.

I have considered the arguments and have gone through the record carefully. Considering the facts narrated above, Sarabjeet Singh and Nikku are not attributed any specific injury to the complainant Harsh Kumar or his father Jajji Ravi Kumar. The injuries are attributed to Sunny Jindal and Bali Jindal. Sarabjeet Singh was granted *ad interim* bail on 06.07.2022, whereas, Nikku was granted *ad interim* bail on 22.08.2022. They have already joined the investigation and are not required for any other purpose. Therefore, considering these facts, the anticipatory bail applications filed by Sarabjeet Singh and Nikku are allowed and the *ad interim* bail already granted in their favour as referred above stands confirmed, subject to the conditions enshrined under Section 438(2) Cr.P.C.

The petitions are accordingly accepted.

Photocopy of this order be placed on the file of connected case.

26.04.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No