

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

CRM-M-29016-2023 (O&M)

Date of Decision:17.07.2023

Gurjot Singh @ Gurjot Basati

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Manoj Pundir, Advocate, for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

CRM-29036-2023

This is an application with a prayer to incorporate/add offence under Section 326 IPC in the head note as well as in the prayer clause of the petition. It is contended that after filing of the petition, Section 326 IPC has been added.

Heard.

Application is allowed.

Registry is directed to carry out necessary correction in the head note of the main petition as well as in the prayer clause by adding Section 326 IPC therein.

CRM-M-29016-2023

Prayer in this petition is for grant of anticipatory bail in case FIR No.440 dated 23.10.2022 registered at Police Station Sohana, District SAS Nagar, Mohali under Sections 323, 324, 341, 148, 149, 506 & 120B IPC and Section 326 IPC (added later on).

2. FIR was lodged on the complaint of Jaskirat Singh, as per which on 16.10.2022, in order to celebrate his birthday, he with his friend Veer Sagar Singh, after taking Shalini Thakur from her residence, were going in his fortuner car bearing number CH-01-CE-0085. When they reached at light point of Sector 88, a car bearing number PB-65-ZX-9800 came from wrong side, being driven by Harsh Bains, who hit the fortuner car of the complainant. Another car bearing number CH-01-BZ-6565, being driven by Gurjot Basati (petitioner herein) came and blocked the complainant's car. One more car came from Haryana side being driven by Dushant Pandit, wherein Amrinder Singh Sekhon and Jasmeet Singh Antal were also sitting. It is alleged that Harsh Bains hit sharp edged weapon on his left hand; whereas petitioner gave blow with sharp edged weapon on his head. Other assailants also caused injuries to him and then all of them along with Shalini Thakur fled from the spot. It was also stated that the motive behind the incident was that the above said persons were threatening the complainant for the last two month and that on that day, they in connivance with Shalini Thakur had caused injuries to him.

3. It is contended by Ld. Counsel for the petitioner that a cross case vide DDR No.62 dated 11.11.2022 under Section 323/326 IPC has already been registered against the complainant/Jaskirat Singh for causing grievous injuries to co-accused Amrinder Singh Shekon. As per that cross version, Amrinder Singh Shekon along with his friend Harshpreet Singh had received telephonic call from co-accused Shalini Thakur to the effect that Jaskirat Singh (complainant in the FIR) was misbehaving with her in inebriated condition. On the basis of location, they reached the light point and when Amrinder Singh Shekon came out of his car, Jaskirat Singh

caused grievous injuries with his Kirpan to Amrinder Singh Shekon as well as Harshpreet Singh and both of them were taken to the hospital. Learned counsel for the petitioner contends that there is a version and cross-version. Both the parties have sustained injuries attracting Section 326 IPC. Before adding of Section 326 IPC in this case, petitioner had joined the investigation. Besides, there is unexplained delay of 7 days in registration of the FIR. Police was not informed about the incident till 23.10.2022; that co-accused Shalini Thakur has already been allowed bail; and that petitioner is a student and ready to join investigation.

4. Learned counsel for the State has opposed the bail petition by submitting that petitioner is specifically named in the FIR to be one of the assailants and that his custodial interrogation is required to affect the recovery of the weapon used in the crime.

5. Admittedly, there is a version and cross-version. Both the parties have sustained injuries. Complainant is also alleged to have caused grievous injury to Amrinder Singh Sekhon attracting Section 326 IPC. It will be a matter of trial as to whether injuries to complainant were caused in self defence or not. Petitioner had earlier joined investigation.

6. Having regard to the aforesaid circumstances but without commenting on the merits of the case, petitioner is directed to be released, in the event of his arrest, on furnishing requisite bonds to the satisfaction of the arresting officer, subject to the condition that he shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country

without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

7. It is made clear that in case petitioner fails to co-operate in investigation, he shall face the consequences as per law.

(DEEPAK GUPTA)
JUDGE

17.07.2023

Vivek

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |