

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

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**CRM-M-37984 of 2023**

**Date of Decision:04.08.2023**

**Harshpreet Singh @ Harsh Bains and another .....Petitioners**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Manoj K. Sharma, Advocate for the petitioners.

Mr. P.S. Pandher, AAG, Punjab.

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**DEEPAK GUPTA, J.**

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 (petitioner herein), who hit the fortuner car of the complainant. Another car bearing number CH-01-BZ-6565, being driven by Gurjot Basati came and blocked the complainant's car. One more car came from Haryana side being driven by Dushant Pandit (petitioner herein), wherein Amrinder Singh Sekhon and

Jasmeet Singh Antal were also sitting. It is alleged that Harsh Bains (petitioner) hit sharp edged weapon on his left hand; whereas Gurjot Basati 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 months 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 petitioners 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, petitioners 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 petitioners are students and ready to join investigation.

4. Learned counsel for the petitioners also contends that benefit of anticipatory bail has already been allowed to the similarly placed co-accused Gurjot Singh @ Gurjot Basati, vide order dated 17.07.2023 passed by this Court in CRM-M-29016 of 2023 (O&M).

5. Learned counsel for the State has opposed the bail petition by submitting that petitioners are specifically named in the FIR to be the assailants and that their custodial interrogation is required to effect the recovery of the weapon used in the crime.

6. 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.

7. Having regard to the aforesaid circumstances and on the basis of parity also, but without commenting on the merits of the case, petitioners are directed to be released, in the event of their arrest, on furnishing requisite bonds to the satisfaction of the arresting officer, subject to the condition that they shall join the investigation as and when so required by the Investigating Officer. They shall not contact any person associated with the case to dissuade them from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. They shall further comply with the conditions stipulated in Section 438(2) Cr.P.C. 7. It is made clear that in case

petitioners fail to co-operate in investigation, they shall face the consequences as per law.

August 04, 2023  
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( DEEPAK GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |