

210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47621-2023 (O&M)

Date of Decision:16.11.2023

Gurdeep Singh and others

...Petitioners

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Ankush Singla, Advocate,
for the petitioners.Mr. Amish Sharma, Assistant Advocate General, Punjab assisted
by ASI Sukhpal Singh.Mr. P.S.Sekhon, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)**CRM-41726-2023**

Application is allowed, as prayed for. Annexures P-5 and P-6 are
taken on record.

CRM-44217-2023

Application is allowed as prayer for subject to all just exceptions.

CRM-M-47621-2023

1. The petitioners have filed the instant petition under Section 438 of Cr.P.C. with a prayer to grant anticipatory bail to them in case FIR No.222 dated 07.11.2022 registered under Sections 323, 341, 148, 149 of IPC (offence u/s 325 IPC added later on) (offence u/s 308 IPC added later on), at Police Station City Budhlada, District Mansa.

2. Learned counsel for the petitioners contends that the petitioners

have been falsely involved in the present case. As per him, the FIR was initially registered under Sections 323, 341, 148, 149 of IPC and later on, the offence under Section 325 IPC was added on 08.11.2023. Learned counsel further contends that without any medical opinion, the police has wrongly ordered the addition of the offence under Section 308 of IPC in the present case after a period of about 10 months. As per learned counsel, no specific injury has been attributed to petitioners No.1 and 2, whereas, it has been alleged that petitioner No.3 had given a blow with axe on the right arm of Gurmeet Singh. However, the said injury suffered by Gurmeet Singh is simple in nature.

3. On the other hand, learned State counsel assisted by ASI Sukhpal Singh and learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner on the ground that all the petitioners are involved in the following cases:-

Petitioner No.1 Gurdeep Singh	1. FIR No.6 dated 23.01.2023 u/s 452, 323, 148, 149, 120-B IPC registered at P.S Sadar Budhlada and petitioner is on bail in that case. 2. FIR No.84 dated 07.11.2022 u/s 323, 325, 148, 149 IPC registered at P.S.Sadar Budhlada and petitioner is on bail in that case.
Petitioner No.2 Jagsir Singh	1.FIR No.6 dated 23.01.2023 u/s 452, 323, 148, 149, 120-B IPC registered at P.S Sadar Budhlada and petitioner is on bail in that case. 2. FIR No.84 dated 07.11.2022 u/s 323, 325, 148, 149 IPC registered at P.S.Sadar Budhlada and petitioner is on bail in that case.
Petitioner No.3 Kuldeep Singh	FIR No.6 dated 23.01.2023 u/s 452, 323, 148, 149, 120-B IPC registered at P.S Sadar Budhlada and petitioner is on bail in that case. 2. FIR No.84 dated 07.11.2022 u/s 323, 325, 148, 149 IPC registered at P.S.Sadar Budhlada and petitioner is on bail in that case.

4. I have heard learned counsel for the parties and perused the record.

5. From the record, it is apparent that in the present case, all the

offences, except 308 IPC, are bailable in nature. Even the offence under Section 308 IPC has been added after a period of 10 months, without any medical report in this regard. Even no reason has been assigned by the police, while invoking the offence under Section 308 IPC in the present case. Still further, even though two more cases each are pending against the petitioners, but the same is no ground to deny the concession of anticipatory bail to the petitioners as they have been able to make out a good case for grant of anticipatory bail to them in the peculiar facts and circumstances of the present case.

6. Without commenting any further on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on anticipatory bail. The petitioners shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions under Section 438(2) of the Cr.P.C. alongwith the following other conditions:-

- (i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) *The petitioners shall also file their affidavit before the concerned I.O./Arresting Officer, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the case. In case of change of place of residence/mobile number, they shall share the details with the concerned Investigating Officer.*
- (vi) *In case, the petitioners involve in any other criminal activity, during the pendency of the case, it shall be viewed*

seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to them.

16.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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