

(i) CRM-M-52940-2023

Vs.

(ii) CRM-M-52990-2023

Vs.

...Respondent

N.S.Shekhawat J. (Oral)

1. On the oral request made by learned counsel for the petitioners (in both petitions), the offences under Section 325 and 459 of IPC are ordered to be added in the head note as well as the prayer clause in the main petitions.
2. Learned counsel for the petitioner is permitted to carry out the necessary correction in the Court itself.
3. This order shall dispose of two bail petitions i.e. CRM-M-52940 of 2023 titled as Sohan Singh @ Bakshish Singh Vs. State of Punjab and CRM-M-52990 of 2023, titled as Joginder Singh Vs. State of Punjab, whereby the

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petitioners have prayed for grant of regular bail in case FIR No.105 dated 05.08.2023, registered under Sections 452, 323, 148, 149, 325, 459 of IPC, at Police Station, Vairoke, District Fazilka.

4. The FIR in the present case was registered on the basis of the statement made by Soma Rani wife of Surjeet Singh. As per the complainant, at about 11.30 p.m. on 03.08.2023, she alongwith her son Parvinder Singh, aged 15 years, were sleeping on the roof of their house after taking meals. In the meantime, Pawan Kumar and Kuljit Singh climbed on the roof of their house and caused injuries to them with *kirpans*. In the meantime, Surjeet Singh, husband of the complainant also reached there. Bakshish Singh and Joginder Singh, both the petitioners jointly exhorted the other co-accused to catch hold of them and to teach them a lesson for stealing their mobile. On this, Pawan Kumar, Kuljit Singh and Gurpreet Singh caused injuries to them with their respective *kirpans*. With these broad allegations, the FIR was registered in the present case.

5. Learned counsel for the petitioners submits that as per the averments made in the FIR (Annexure P-1), both the petitioners have been attributed a 'lalkara' and no overt act has been attributed to them. Later on, the statement of Surjeet Singh was recorded and as per the said statement, Sohan Singh @ Bakhshish Singh, petitioner was armed with a *daang* and he caused an injury on the right shoulder of Surjeet Singh. However, the injuries suffered by Surjeet Singh were caused with a blunt weapon and were simple in nature. He further contends that no offence under Section 452 IPC is made out in the present case and the complaint was lodged after two days, by coining a false

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version. Learned counsel further contends that it is a case of version and cross-version and three persons, namely, Harbans Kaur, Kulwinder Rani and Jaskaran Kaur, on the side of the petitioners, have also sustained injuries. He next contends that even a cross-case vide GD No.6 dated 06.08.2023 under Section 323 and 34 IPC (Annexure P-3) has also been registered against the opposite party on the basis of the statement made by Kulwinder Kaur. Thus, the question of aggressor is yet to be decided by the trial Court during the course of trial. Learned counsel further contends that the petitioners are ready to join the investigation in the present case.

6. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioners on the ground that specific allegations have been levelled against both the petitioners in the FIR and there is no reason to doubt their presence at the place of occurrence. He next contends that in the present case, serious injuries have been attributed to the co-accused of the present petition.

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

8. It is no doubt that it is a case of version and cross-version; and cross version has already been recorded in the shape of GD report (Annexure P-3) on the basis of the statement made by Kulwinder Kaur. Both the petitioners have been involved in the present case by attributing them the role of raising a 'lalkara'. Thus, the custodial interrogation of both the petitioners may not be required at this stage and they deserve the concession of anticipatory bail.

9. Without commenting any further on the merits of the case, the present petitions are allowed. The petitioners are granted concession of

anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

17.11.2023

hemlata

(N.S.SHEKHAWAT)
JUDGE

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