

CRM-M-61150-2023

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

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Date of Decision:- 05.12.2023

Darshan Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. D.S. Gurna, Advocate for the petitioners.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed seeking pre-arrest bail in offence under Section 326-A IPC which was added by a specific order of Judicial Magistrate 1st Class dated 16.10.2023 in FIR No. 30 dated 14.03.2016 under Sections 324, 323, 341, 506, 148 and 149 of IPC registered at Police Station Amargarh, Sangrur.

2. It is submitted by learned counsel for the petitioners that although he had approached this Court on behalf of other two co-accused Beant Singh and Bagga Singh, but this Court was not inclined to grant them the concession of anticipatory bail and had directed them in **CRM-M-61150-2023** vide order dated **02.12.2023** that they shall surrender before the trial Court on or before 13.12.2023 and in case, they apply for regular bail the trial Court shall decide the same expeditiously within

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maximum five working days.

3. The learned counsel for the petitioners submits that there is a deviation in the present petition, as the role attributed to the petitioners does not bring them under the ambit of Section 326-A IPC, as the said act and role has been attributed specifically to Beant Singh, Bindi and Bagga Singh. He further submits that Bindi is declared as a proclaimed offender, however, Beant Singh and Bagga Singh shall surrender positively and comply with the order dated 02.12.2023.

4. As regards the present petition, the petitioners relies upon the contents of the FIR in which the only allegation *qua* Darshan Singh and Gurdev Singh @ Dev Singh is that they were armed with *dandas* and had encircled the victim.

5. As regards petitioner No. 3-Jasvir Singh, the only averment is that, since, he was the Vice President of the diary, he had some altercations with the complainant and that was also almost one and a half years ago. He further submits that the petitioners have been nominated only on the ground of them being part of an unlawful assembly by invoking Sections 148 and 149 of IPC.

6. *Per contra*, learned State counsel has vehemently opposed the present petition and has submitted that the petitioners were part of the unlawful assembly which encircled the complainant, who was a handicapped man and they came with a common objective, which was to harm him. Although, he could not deny the fact that the allegation of pouring acid on the complainant has been specifically narrated against Beant Singh, Bindi and Bagga Singh.

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7. Learned State counsel has also submitted that, in fact, the complainant had subsequently committed suicide and hence, no concession should be granted.

8. *Per contra*, learned counsel for the petitioners submits that a separate FIR *qua* the suicide by the complainant has already been lodged in which the petitioners have not been named.

9. Learned counsel for the petitioner also relies upon the judgment of Hon'ble Supreme Court in the case of "*Bhadresh Bipinbhai Sheth Vs. State of Gujarat & Another, 2016(1) SCC Cri. 240*", to substantiate his arguments that where the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the Court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern.

10. After hearing learned counsel for the parties, the petitioners are directed to surrender before the trial Court on 13.12.2023 and shall be enlarged on bail, on the same day by the trial Court and shall proceed with the trial in accordance with law.

11. In light of the above, the present petition stands disposed of.

12. This order shall not be construed as a parity *qua* other co-accused namely Beant Singh, Bagga Singh and Bindi.

(ALOK JAIN)
JUDGE

December 05, 2023

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No