

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208(2)

CRM-M-12109-2024
Date of Decision:18.04.2024

LABH SINGH AND OTHERSPetitioners

Vs.

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Suneet Pal Singh Aulakh, Advocate
for the petitioners.

Mr. Sahil R. Bakshi, AAG, Punjab
assisted by ASI Paramjit Singh.

Mr. K.S. Dhaliwal, Advocate and
Mr. Vicky Sharma, Advocate
for the complainant.

DEEPAK GUPTA, J.(ORAL)

Status report by way of an affidavit of Daljit Singh Virk, PPS,
Deputy Superintendent of Police, Sub Division Patran, District Patiala has
been filed on behalf of respondent-State and the same is taken on record.

On 07.03.2024, following order was passed:

“The three petitioners namely Labh Singh son of Bant Singh; Jasvir Singh alias Rahul son of Labh Singh; and Jasvir Singh son of Tarsem Singh, have prayed for grant of anticipatory bail in case FIR No.88, dated 15.09.2023 under Sections 307, 323, 341, 295-A, 506, 148, 149 (Section 325 added later on) of IPC, 1860, registered at Police Station Ghagga, District Patiala.

It is contended by learned counsel that co-accused Gurmeet Kaur and Meena Rani, have already been granted the benefit of anticipatory bail by this Court vide order dated 07.11.2023 in CRM-M-54544 of 2023. Learned counsel further submits that later on during investigation, both of them were found to be innocent.

Learned counsel has further drawn attention towards the

order dated 12.02.2024 passed by this Court in CRM-M-63148-2023 and CRMM-3019-2024 (Annexure P-4) whereby, co-accused Tarsem Singh and Bhim Singh were allowed regular bail.

Learned counsel for the petitioners has specifically drawn attention towards para Nos.7 & 8 of the said order (Annexure P-4) wherein, it was observed as under:-

“7. It is not disputed by any of the sides that though as per the medico legal reports, 5 injuries were found on the person of complainant-Daljeet and 6 on the person of his father-Des Raj, but all injuries were opined to have been caused by blunt weapon and none of them was incised wounds caused by any sharp edged weapon. It is despite the fact that petitioner-Tarsem Singh is alleged to have inflicted injury with datar on the head of the complainant-Daljeet Singh, whereas petitioner-Bhim Singh is alleged to have inflicted injury with gandasi on the head of Des Raj. This in itself creates doubt on the prosecution story regarding the weapon used in the crime.

8. Apart from above, all the injuries on the person of complainant-Daljeet Singh have been opined by the Medical Board of Civil Hospital, Samana to be simple in nature, as evident from the report Annexure P2 in CRM-M-3019-2014. As far as other injured Des Raj is concerned, out of 6 injuries found on his person, 5 have been found to be simple in nature, whereas 1 injury on the left hand has found to be fracture, attracting Section 325 IPC, as is evident from the report of the Medical Board as per the report Annexure P3 in CRM-M3019-2014. This factual position has not been disputed by the ld. State counsel. In these facts and circumstances, it will be a moot point as to whether Section 307 IPC will be attracted in this case merely for the reason that injuries

were allegedly inflicted by the petitioners on the head of the two injured.

Learned counsel contends that in view of the aforesaid circumstances, the petitioners have been falsely implicated and they are ready to join the investigation as the only injury attributed to the petitioner-Labh Singh is with gandasi on the forehead of Des Raj but that injury was found to be simple. The injury attributed to petitioner-Jasvir Singh is with stick on the chest, which was also found to be simple. The injury attributed to petitioner-Jasvir Singh @ Rahul with takua on the forehead of complainant was also found to be simple. Learned counsel also drawn attention that no incised wound was found on person of any injured.

It has also been informed that other co-accused Sukhvir Singh @ Mithu and another were also allowed the benefit of interim anticipatory bail by this Court vide order dated 06.03.2024 in CRM-M-11795-2024, copy of which has been placed on record and in that case the next date of hearing is 18.04.2024 for filing status report.

Notice of motion.

Mr. Amandeep Singh Sandhu, DAG, Punjab, accepts notice on behalf of the respondent-State. Copy of the petition be supplied to him during the course of the day.

Adjourned to 18.04.2024.

To be listed along with CRM-M-11795-2024.

In the meantime, in case of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioners 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. ”

Today learned State counsel, on instructions from ASI Paramjit

Singh submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 07.03.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

18.04.2024

(DEEPAK GUPTA)
JUDGE

pry

Whether Speaking/reasoned Yes/No

Whether Reportable Yes/No