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

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I.

CRM-M-14747-2024

Parvinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

II.

CRM-M-25074-2024

Lakhwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

III.

CRM-M-15615-2024

Harvinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Date of Decision.:21.05.2024

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.S. Bhalla, Advocate for the
petitioner(s) in CRM-M-14747-2024 &
CRM-M-15615-2024.

Mr. P.S. Ahluwalia, Advocate for the
petitioner in CRM-M-25074-2024.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

Mr. Lakshay Bector, Advocate for
the complainant.

DEEPAK GUPTA, J. (ORAL)

In the three petitions titled above, all filed under Section 438

Cr.P.C., petitioners have prayed for grant of anticipatory bail in case FIR

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No.26 dated 23.02.2024 registered at Police Station Division-5, District Police Commissionerate, Ludhiana under Sections 323, 341, 148, 149 & 506 of the IPC (Section 307 of the IPC added later on).

2. As per prosecution allegations, on 20.02.2024 at about 08:00 p.m. Sukhdev Singh @ Sukha, Lakhwinder Singh (*petitioner in CRM-M-25074-2024*), Pinderpal Singh @ Pinda & Mitha Panag along with others armed with various kinds of weapons assaulted complainant Baltej Singh causing injuries on various parts of his body. On the basis of statement of Baltej Singh complainant, FIR under Sections 323, 341, 148, 149 & 506 of the IPC was registered. The medico legal report of the complainant issued by Civil Hospital, Ludhiana revealed five injuries on his person i.e. on his right lower leg, left lower leg, head, elbow and right hand, having been caused by blunt weapons. It is also the allegation of the prosecution that later on supplementary statement was made by the complainant, as per which when the assailants were causing injuries to him, he had run away but those persons had waylaid him at distance of 15-20 steps and had attacked him with deadly weapons causing injuries on his head and other parts of the body. On the basis of this supplementary statement, Section 307 of the IPC was added on 24.02.2024.

3. In the petition filed by Parvinder Singh, it was contended by him that he was not named in the FIR; that he was not even present at the time of occurrence as will be evident from the photographs appearing in the CCTV footage, as at that time he was present at some other place.

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4. Vide order dated 21.03.2024, this Court had issued notice of motion in the case of Parvinder Singh and had directed the petitioner to join the investigation in the meantime, by granting him interim anticipatory bail.

5. On the next date of hearing i.e. 07.05.2024 it was alleged by the State as well as counsel for the complainant that interim anticipatory bail had been obtained by petitioner Parvinder Singh by misleading the Court to the effect that he was not named in the FIR and in fact he was specifically named in the FIR by the name of Pinder Singh. It was stated by learned State counsel that Pinder Singh is the nick name of Parvinder Singh i.e. petitioner in CRM-M-14747-2024.

6. Today it is stated at bar by learned counsel representing said Parvinder Singh that petitioner has never been known by the name of Pinder Singh and that he is even ready to file an affidavit in this regard. Learned counsel has also informed that there is another person in the village by the name of Pinder Singh.

7. Learned State counsel on the other hand, informs that pursuant to the order dated 21.03.2024, petitioner Parvinder Singh has already joined the investigation.

8. Learned counsel representing petitioner Harvinder Singh submits that this petitioner has been named in the FIR by the name of Mitha Panag and has been falsely implicated only for the reason that he had tried to settle the matter.

9. Learned counsel for both the petitioners i.e. Harvinder Singh

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and Lakhwinder Singh point out towards the status report as filed in CRM-M-14747-2024 pertaining to co-accused Parvinder Singh, in which it is clearly mentioned that as per MLR conducted at Civil Hospital, Ludhiana, five injuries were found on the person of complainant and based thereon, FIR was registered only under Sections 323, 341, 148, 149 & 506 of the IPC. Even no grievous injury was found. All the offences, in which the FIR was registered, are bailable. However, later on, supplementary statement was made by the complainant by alleging that he was later waylaid by the assailants and was attacked with the deadly weapons. Learned counsel submits that this allegation has been made to make the offence graver, and that without obtaining any medical opinion, Section 307 IPC has been added.

10. Learned State counsel could not refute any of the aforesaid contentions. It is conceded by learned State counsel that no medical opinion has been obtained regarding nature of injuries, as to whether any of the injury reflected in the MLR is grievous in nature or dangerous to life. It is also conceded that Section 307 of the IPC has been added simply on the basis of supplementary statement of the complainant.

11. Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, all the three petitions are hereby accepted.

12. As far as petitioner Parvinder Singh is concerned, order dated 21.03.2024 passed in CRM-M-14747-2024 is hereby made absolute,

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whereby petitioner was granted interim anticipatory bail. However, he 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.

13. The two petitions pertaining to petitioner Lakhwinder Singh bearing No.CRM-M-25074-2024 and Harvinder Singh bearing No.CRM-M-15615-2024 are allowed. In case of their 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 him 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.

Disposed of.

A photocopy of this order be placed on the connected case files.

(DEEPAK GUPTA)
JUDGE

May 21, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No