

CRM-M-21486-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on: 10.05.2024

Avtar Singh @ Laddi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikas Gupta, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

ANOOP CHITKARA, J.

DDR/FIR No.	Dated	Police Station	Sections
DDR No. 20	11.04.2024	Khalra, Tarn Taran	323, 325, 326, 148, 149 IPC
in FIR No.37	05.04.2024	Khalra, Tarn Taran	323, 325, 506, 452, 148, 149 IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 01.05.2024, State was asked to file reply and this Court had granted interim bail to the petitioner and one of the reason was to granting bail was that the petitioner undertook to comply with the stringent conditions as mentioned in paras 15 to 17 of the order dated 01.05.2024.
3. Petitioner’s counsel submits that he has joined the investigation and voluntarily complied with the order dated 01.05.2024. Counsel further submits that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. Counsel for the State has handed over the reply dated 08.05.2024, which is taken



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on record, and on instructions, does not dispute the above said contention made by the petitioner, but opposes the bail.

5. Prosecution's case is being taken from reply dated 08.05.2024, which reads as under:-

*"1. That the present status report is being filed by the deponent in compliance with order dated 01.05.2024 passed by this Hon'ble Court.
2. That the present petition filed by the petitioner is not maintainable and same is sheer abuse of process of law and liable to be dismissed being malafide one.
3. That with regard to subject matter of the present petition, it is submitted that the petitioner has tried to conceal the material facts from this Hon'ble Court and has rather made misleading averments in the petition by twisting the facts as per her own suitability.
4. That true facts leading to this case are that one Kartar Singh got recorded his statement before the investigating officer to the effect that he is running a grocery shop at his house in the village. On 29.03.2024 at about 11:20 PM in the night, he along with his family were sleeping in their house after having dinner then suddenly, the outer gate of his house was knocked then he got up and opened the door of his house then, Mohan Singh son of Bhola Singh armed with dang, Sukhwinder Singh son of Mohan Singh armed with dang, Harjinder Singh son of Mohan Singh armed with axe, Kinderbir Singh son of Mohan Singh armed with axe, Inderjeet Singh son of Mohan Singh armed with dang, Tirath Singh son of Nishan Singh armed with Sota, Gursewak Singh son of Bakshish Singh armed with dang, Harpal Singh son of Bakshish Singh armed with dang, residents of Madar Mathra Bhagi and 4/5 unidentified persons pushed him and entered inside his house and started beating his nephew namely Khushpreet Singh son of Ajmer Singh, resident of Madar Mathra Bhagi who was staying with them due to the death of his sister and brother-in-law and started saying that neither they will allow to stand anyone on the land of Gurudwara Sahib which is in front of their house nor they will allow anybody to use. Then, they tried to make them understand a lot but they continuously argued with them and came outside the house where Tirath Singh son of Nishan Singh raised lalkara that "let them teach a lesson for using and fighting for the empty land outside their house in front of Gurudwara Sahib", Upon which, Mohan Singh son of Bhola Singh gave his dang blow on him and he raised his left arm to save himself which hit on his left arm then in the meantime, Sukhwinder Singh, Inderjeet Singh sons of Mohan Singh, Gursewak Singh, Harpal Singh sons of Bakshish Singh started giving their dang blows on my back and left arm and Kinderbir Singh son of Mohan Singh gave his axe blow on him which hit on his left eye and Harjinder Singh son of Mohan Singh gave his axe blow on the fingers of his left hand. As I raised alarm of "Maar Dita Maar Dita", upon seeing the gathering of his family, all the abovesaid persons along with their respective weapons fled away from the spot and in this regard, the case FIR No.37 dated 05.04.2024, under section 323/325/506/452/148/149 of IPC has been registered at Police Station*



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Khalra, District Tarn Taran against Mohan Singh son of Bhola Singh, Sukhwinder Singh son of Mohan Singh, Inderjit Singh son of Mohan Singh, Tirath Singh son of Nishan Singh, Gursewak Singh son of Bakhshish Singh, Harjinder Singh son of Mohan Singh and Kinderbir Singh son of Mohan Singh, all residents of village Madar Mathra Bhagi, Police Station Khalra, Tehsil Patti, District Tarn Taran.

5. That during the course of investigation of the main case FIR, the accused namely Mohan Singh, Sukhwinder Singh, Harjinder Singh, Kinderbir Singh, Inderjit Singh, Tirath Singh and Gursewak Singh moved their separate per-arrest bail applications in which the interim relief was granted to them and in the pursuance of which, they have joined the investigation and got recovered respective weapons used by them at the time of committing the above said offence and thereafter, their bail applications were made absolute by the learned Court of Additional Sessions Judge, Tarn Taran.

6. That during the course of investigation, the complainant Harjeet Kaur wife of tirath Singh got recorded her statement before the investigating officer to the effect that on 29.03.2024 at about 11 PM in the night, all their family was sleeping and when they heard the sound of abusing by taking the name of her husband namely Tirath Singh then, her father-in-law namely Nishan Singh son of Teja Singh, resident of Madar Mathra Bhagi opened the outer gate and tried to make understand the persons namely Avtar Singh @ Laddi son of Gurmit Singh i.e. the petitioner armed with datar, Kartar Singh @ Sonu son of Gurmeet Singh armed with axe, Gurmeet Singh son of Gurmej Singh armed with dang, Khushpreet Singh son of Ajmer Singh armed with stick, all residents of Madar Mathra Bhagi and 3/4 unidentified persons who were abusing outside but instead of understanding this, Tirath Singh kept on abusing her husband in a loud voice by saying that who is he to stop them from tying animal in front of the gate of Gurudwara Sahib or to remove their killas. Seeing lot of clash, her husband namely Tirath Singh came outside the house then, Khushpreet Singh raised lalkara that "catch hold Tirath Singh and today let him learn a lesson for stopping us to tie the animal on the land of Gurudwara Sahib". In the meantime, Gurmeet Singh gave his dang blow on her husband namely Tirath Singh, which hit on his chest and back. Avtar Singh @ Laddi i.e. the petitioner gave his datar blow on her husband, which hit below the elbow of his left arm. Kartar Singh @ Sonu gave his 5 axe blow on her husband Tirath Singh, which hit on the adjacent finger of his little finger and she has seen the whole incident in the light of glowing bulb. Then, her husband namely Tirath Singh fell down on the ground and while he was lying on the ground, Khushpreet Singh with his stick and Gurmeet Singh with his dang kept on beating him. She and her father-in-law raised alarm of "Maar Dita Maar Dita" then all the abovesaid along with weapons ran away from the spot and she along with her elder brother-in-law namely Mehal Singh son of Achar Singh, resident of Madar Mathra Bhagi arranged the vehicle and got him admitted in Civil Hospital and in the pursuance of which, a cross case DDR No.20 dated 11.04.2024, under section 323/325/326/148/149 of IPC has been registered at police station Khalra, District Tarn Taran against the petitioner namely Avtar Singh alias Laddi as well as co-accused Kartar Singh alias Sonu, Gurmeet Singh, Khushpreet Singh, all residents of village



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Madar Mathra Bhagi, Police Station Khalra, Tehsil Patti, District Tarn Taran.

7. That during the course of investigation of the cross case, the accused namely Kartar Singh and Gurmeet Singh moved their per-arrest bail applications in which the interim relief was granted to them and in the pursuance of which, they have joined the investigation and got recovered respective weapons used by them at the time of committing the above said offence and thereafter, their bail applications were made absolute by the learned Court of Additional Sessions Judge, Tarn Taran.

8. That as per the MLR bearing No.82/MS/CH Patti/2024 dated 30.03.2024 pertaining to the injuries inflicted to Kartar Singh, he had received total 4 injuries with blunt weapon and out of which the injury No.1, 3 & 4 were declared as Simple in nature and injuries No.2 was declared as Grievous in nature and as per the MLR bearing No.91/RP/CHTT/2024 dated 30.03.2024 pertaining to the injuries inflicted to Tirath Singh, he had received total 5 injuries and out of which the injury No.2, 4 & 5 were declared as Simple in nature and injuries No.1 (which was inflicted with sharp weapon) & injury No.3 (which was inflicted with blunt weapon) declared as Grievous in nature.

9. That in compliance with order dated 01.05.2024 passed by this Hon'ble Court, the petitioner has joined the investigation of the present case on 06.05.2024 and during the course of his interrogation, he voluntarily got recovered weapon i.e. Datar used by him at the time of committing the above said offence and the petitioner has cooperated the investigation of the present case and he is no more required for further investigation/interrogation.

10. That the present main case FIR and cross case DDR are at the stage of investigation and after completion of investigation, the final report under section 173 (2) of Cr.P.C in both the FIR as well as DDR will be presented before the learned Court of Illaqa Magistrate, Patti at the earliest.

11. That it is submitted that as far as point (A) mentioned as heading in the order dated 01.05.2024 pertaining to the role of the petitioner is concerned, the petitioner being a member of unlawful assembly and in prosecution of common object was armed with deadly weapon i.e. Dattar at the spot and has inflicted injury upon the person of Tirath Singh with sharp edge weapon which hit on below the elbow of his left arm and the said injury was also declared grievous in nature by the board of doctor. As such, the petitioner has committed the heinous offence and he is not entitled for the concession of anticipatory bail.

Further as far as point (B) pertaining to evidence against the petitioner is concerned, it is submitted that during investigation, the injury inflicted by the petitioner has been clearly shown in MLR of injured and the opinion with regard to the said injury was also obtained by the investigating officer from the board of doctors which was declared as Grievous in nature. Moreover, the weapon used by the petitioner at the time of committing the above said offence has also been recovered from the petitioner in the present case. As such, there is sufficient evidence against the petitioner and he will be convicted in the present case.

Further as far as point (C) pertaining to arrest of the petitioner in the present case in case of dismissal of the present petition and needing of police custody is concerned, it is submitted that the petitioner has joined

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the investigation of the present case before the investigating officer and has also cooperated the investigation of the present case and even then, if this Hon'ble Court dismissed the present petition of the petitioner, then the petitioner will be arrested in the present case.”

6. I have heard counsel for the parties and gone through the petition.
7. In the entirety of facts and circumstances of the case and the fact that petitioner had voluntarily complied with the order dated 01.05.2024, petitioner makes out a case for anticipatory bail and it is neither a case of custodial investigation nor pre-trial incarceration.
8. Given above, petition is allowed and interim order dated 01.05.2024 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

10.05.2024
anju rani

Whether speaking/reasoned: Yes

Whether reportable: No.