



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

CRM-M-24336-2024
Date of Decision : 15.10.2024

GURCHARAN SINGH

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Gurbir Singh Dhillon, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. On 15.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.65 dated 25.07.2023, under Sections 307, 324, 427, 34 of the IPC (Sections 25, 27 of the Arms Act added subsequently, as per Rapat No.13 dated 26.07.2023), registered at P.S. Arniwala, Fazilka.

2. Succinctly stated, the genesis of the present FIR is embodied in the statement of one Lovepreet Singh (hereinafter referred to as the ‘complainant’), wherein, he alleged that, owing to a boundary dispute, the petitioner along with his co-accused inflicted injuries to him. The relevant extract of his statement, as narrated in the order dated 08.05.2024, whereby, the learned Additional Sessions Judge, Fazilka, has declined the relief of pre-arrest bail to the petitioner, is reproduced hereinafter:-

“.....at about 4 PM on 23.07.2023 complainant went to check the status of irrigation in his paddy fields and neighbours of the residence and fields of the complainant, namely, accused Manpreet Singh armed with pistol, applicant-accused Gurcharan Singh armed with sword and Gurpreet Singh along-with one unidentified person, were installing wire on the common boundary and were placing mud on the boundary. That, as complainant told them not to throw mud into the paddy field of the complainant on the other side, said persons attacked the complainant and inflicted beatings to him. That applicant-accused Gurcharan Singh inflicted blow with his sword which landed upon little finger of right hand of the complainant as he raised his hand in protection. That other accused inflicted blows with sticks and one blow landed upon mobile phone of the

complainant inside his pocket and the phone got damaged. That hearing the sounds of commotion, Balwinder Singh, Taya of the complainant and his mother came running to the spot and accused Manpreet Singh fired from his pistol towards Balwinder Singh, hitting the calf of right leg of the complainant. That on raising of hue and cry by the complainant party, accused party fled from the spot with their respective weapons and the two injured were brought to Civil Hospital, Fazilka.....”

3. The learned counsel for the petitioner submits that the only allegation/role assigned to the petitioner, is that, he gave a sword blow to the complainant, which hit on the latter's little finger of right hand, thereby causing an incised wound of dimensions 5 cm x 0.5 cm, nature whereof is admittedly "simple". Insofar as the gunshot injury is concerned, it has not been attributed to the petitioner, rather has been attributed to co-accused Manpreet Singh.

4. At this stage, Mr. Lovish, Advocate, records his appearance on behalf of the complainant, under a memorandum of appearance instituted before this Court today, and, as prayed for, he is permitted to file a validly executed Vakalatnama in his favour by the complainant, before Registry of this Court, within a fortnight from today.

5. The learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner, on the ground that, not only the petitioner is a habitual offender, as he is involved in two more criminal cases, but the pistol, which was used by co-accused (supra) to cause injury to complainant's uncle Balwinder Singh, also belongs to him.

6. The above argument(s) of the learned counsel for the complainant is countered by the learned counsel for the petitioner, with the submissions that, out of the two criminal cases cited above, one criminal case/FIR has already been quashed, whereas, in another case/FIR, cancellation report has been filed. Moreover, insofar as the pistol is concerned, the same has already been surrendered by co-accused Manpreet Singh before the police officials concerned.

7. Notice of motion for 22.07.2024.

8. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondents.

9. Be that as it may, since the only role assigned to the petitioner is that, he has caused a "simple injury" to the complainant, this Court deems it appropriate to grant the asked for relief. Consequently, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. "

2. Today, the learned State counsel has, on instructions imparted to him by ASI Angrez Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 15.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

6. All pending application(s), if any, also stand **disposed** of accordingly.

October 15, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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