



104 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-31944-2024
Date of decision: 8th July, 2024

Gurcharan Singh and others

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep, Advocate for
Mr. Jupinder Pal Singh Brar, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
159	08.11.2020	Dayalpura, District Bathinda	323, 324, 452, 148, 149 of IPC, 1860 (Sections 307 and 326 of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Jarnail Singh alleging therein that on 30.10.2020 at about 09:00 AM, he was present in his house along with his family members when the petitioners along with the co-accused by forming



membership of an unlawful assembly, criminally trespassed into his house and opened an attack upon him and caused him injuries with the weapons which they were carrying in their hands. On hearing the rescue alarm raised by the complainant, the grandsons of his brother namely Baljinder Singh and Rupinder Singh as well as his daughter Kuldeep Kaur reached there and they too sustained injuries at the hands of petitioners and co-accused. The motive which was attributed to the petitioners was that the proceedings qua partition of some land were pending between them. During the course of investigation, the petitioners along with co-accused were arrested on 28.11.2020. Offence under Section 307 of IPC was added. They were extended benefit of bail by trial Court vide order dated 18.01.2021. However, subsequently, offence under Section 326 of IPC was also added in the case and apprehending their arrest on account of addition of the aforementioned offence, the petitioners had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Bathinda which was dismissed vide order dated 28.05.2024.

3. The present petition has been filed by the petitioners on the grounds and it is argued by their counsel that they have been falsely implicated in this case. They have been previously arrested on 28.11.2020 and then extended benefit of bail on 18.01.2021 in this case. Their custodial interrogation is no more required after addition of offence punishable under Section 326 of IPC. No recovery remains to be effected from them. Therefore, it is urged that they deserve to be extended benefit of anticipatory bail.



4. *Per contra*, learned State counsel has argued that since there are serious allegations against the petitioners, therefore, they do not deserve to be extended benefit of pre-arrest bail. It is however, admitted that the petitioners had joined investigation in this case and was extended benefit of regular bail and no recovery remains to be effected from them.

5. I have heard learned counsel for the petitioners as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioners along with the co-accused are alleged to have formed membership of an unlawful assembly and in pursuance of common object of that assembly, they are alleged to have caused simple as well as grievous injuries upon Manjinder Singh and Rupinder Singh, grandsons of brother of the complainant. One of injuries found on the person of the injured Manjinder Singh has now been opined to be grievous in nature and that is why, offence under Section 326 of IPC has been added. Since, the petitioners already joined the investigation of the case and had remained in custody for a period of about two months and had been extended benefit of regular bail in this case and as neither any recovery is to be effected from them and nor their custodial interrogation is required anymore as no such new fact has come on record, therefore, I am of the considered opinion that no useful purpose would be served by detaining the petitioners in custody. Keeping in view the discussion as made above, the petition is allowed and the petitioners are ordered to be admitted to pre-arrest bail, subject to their



appearing before the Arresting Officer/Trial Court/Investigating Officer within a period of one week and on furnishing bonds to the satisfaction of Investigating Officer.

7. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |