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

**CRM-M-35463-2024
DATE OF DECISION: 26.07.2024**

IQBAL SINGH**...PETITIONER****Versus****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: None for the parties.

SANDEEP MOUDGIL, J (ORAL)

The Punjab and Haryana High Court Bar Association has decided to abstain from work today i.e. 26.07.2024 on account of 'No Work Day' in view of the representation given by the District Bar Association Chandigarh, in which it was demanded by District Bar Association, Chandigarh to support the ongoing protest against Chandigarh Administration for sending the proposed draft of Chandigarh Union Territory Tenancy Act, 2019 to the Parliament Session for its notification.

2. The jurisdiction of this Court has been invoked under Section 438 of Cr.P.C., for grant of anticipatory bail in case FIR No.42 dated 25.06.2024 registered under Sections 307, 379-B, 506, 148, 149, 120-B IPC at Police Station Sadar Ahmedgarh, District Malerkotla.

3. The above-mentioned FIR is reproduced below :-

*'Copy of Statement: Kulwant Singh Son of
Darbara Singh resident of Village Baroi kalan, Police Station,
Sadar Ahmedgarh, aged about 42 years. Mobile number- 98722-*



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92554. Stated that I am resident of the said address and doing agricultural work. On dated 23.JUN.2024 at about 4.30/5.00 pm, I had finished my work done before sowing paddy crop and after picking up my motorcycle from my tube well motor, I was going towards my house. I saw that 4 young men whose age would be between 20 to 25 years and their bodies were slim and nimble. Among the two motorcyclist, three of them young men were carrying rod irons and one is a young Sikh with a Long beard and was carrying a Kirch and to whom I can identify were standing there. Seeing me, they got off their motor bikes and four unknown youths grappled me and threw me down from the motorbike. All of them firstly snatched mobile phone from my hand in which the SIM number was 98722-92554 was working. All the three unknown young men with the intention of killing me directly inflicted blows of iron rods which is in their hands on the head, left leg and right leg and left ankle, with which my right leg was fractured and my left leg was injured. When I shouted Marta, Marta these four youths threatened to kill me, saying that today we will not let him escape and build it's culverts. So the unknown Sikh youth hit me three times straight with his Kirch with the intention of killing me on my right shoulder, right elbow joint and right elbow, and I suddenly become dizzy, these four unknown youths started saying that the work is done today and while going, one of these three unknown youths holding an iron rod in his hand, inflicted a blow on the head with the intention of killing me, and I raised my right hand to protect myself, but the iron rod hit the fingers of my right hand, on hit my back with a rod iron and on hit my back with an iron rod and one hit my left leg and right check twice consecutively. Then these 4 youths hit me with their weapons and fled the scene on their respective motorcycles. After they left, I regained some consciousness, so I shouted loudly that I am dead. Hearing my voice, my common Jagdev Singh Son of



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Major Singh a resident of Village Maholi Khurd, came to the farm, who was working in the field some distance away outside the cellar wall heard my loud voice and came. To whom I asked to bring a vehicle from the village, after a few minutes he came to me with the vehicle of Gurjeet Singh, a resident of Village Baroi Kalan,. Who first took me to Civil Hospital Malerkotla for treatment and then referred me to Rajendra Hospital Patiala. Then from Patiala I was referred to PGI Chandigarh but I was admitted to DMC Ludhiana where my treatment is going on. I was beaten up by my cousin brother Iqbal Singh Son of Harchand Singh resident of Village Baroi Kalan in a conspiracy with the said for unknown youths. Because this year I have started sowing my own land and I am getting more water from the motor and first I have leased my land. Apart from this, earlier, Iqbal Singh has had a fight with me some time ago, due to which he has colluded with unknown youths and plotted against them. Legal action should be taken against them. Today I have written my statement to you at DMC Ludhiana. I have read it and it is correct. Sd/- Said Kulwant Singh.'

4. As per the pleadings mentioned in the petition, the petitioner was not present at the spot at the time of alleged incident and therefore, no overt act has been attributed to him, hence, no offence under Sections 307, 379-B, 506, 149, 120-B IPC, 1860 is made out against the petitioner. It is further mentioned that there is unexplained delay of 2 days in lodging the FIR.

5. After perusing the facts mentioned in the petition as well as the pleadings made by the petitioner in the paper book, this Court finds no reason to deny the petitioner the concession of bail if the petitioner has bona fide intentions and is willing to join the



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investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time as has been mentioned in the petition.

6. Hence, in view of the above facts, the petitioner is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

7. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

8. The petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

26.07.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No