

2024:PHHC:110225



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208

CRM-M No.36174 of 2024
Date of decision: 27.08.2024

Reshamjit Singh and another ... Petitioners

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition has been made by the petitioners for extending benefit of pre arrest bail in case arising out of FIR No.184 dated 18.10.2021 initially registered under Sections 323, 324, 427, 148 and 149 of IPC at Police Station Kathu Nangal, District Amritsar Rural, on the basis of statement recorded by the complainant Kulwinder Singh making allegations that on 07.10.2021, the petitioners Reshamjit Singh and Harwinder Singh alias Suri Singh accompanied by co-accused Gora Singh and Kalu Singh and 20 unknown persons had came outside his house and after making an exhortation to teach him a lesson for

2024:PHHC:110225



demanding money, they had opened an attack from the outer gate of his house. They had thrown brickbats one of which had hit his niece Tamandeep Kaur. She was taken to hospital on 08.10.2021 and at about 04/05:00 PM, the respondent No.3-Ranjit Kaur his sister-in-law along with Happy Singh friend of the complainant had come to the hospital. He further alleged that while on the way, Ranjit Kaur was assaulted by the petitioner No.1-Reshamjit Singh who struck blows with Kirpan upon her thereby causing injuries on the fingers of her left hand. The cause of grudge as disclosed by the complainant was that he had been demanding an amount of Rs.52,000/- borrowed by the petitioner No.1-Reshamjit Singh from him but instead of paying the same back, he had started extending threats to him. After registration of FIR, investigation proceedings have been initiated. Offence under Section 326 of IPC had been added during the course of investigation. Apprehending their arrest, the petitioners moved application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 16.07.2024.

2. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Infact, it is a case of version and cross version. A DDR has been registered on the basis of statement recorded by the Punjab Roop Singh in the incident which had taken place on 08.10.2021 as members of the party of the petitioners had been assaulted by the members of the complainant party. It is also submitted

2024:PHHC:110225



that now a compromise have been arrived at between the parties with the intervention of relatives and respectables of the society and affidavit Annexure P-2 had also been executed by the complainant Kulwinder Singh on 01.06.2023. There is delay of ten days in reporting the matter to the police. It is submitted by learned counsel for the petitioners that the custodial interrogation of the petitioners is not required. They are ready to join the investigation. No useful purpose would be served by detaining them in custody. Hence, it is urged that they deserve to be extended benefit of anticipatory bail.

3. The respondents No.2 and 3 i.e. the complainant and injured Ranjit Kaur had been duly served notice of the present petition but had not chosen to appear. The respondent No.1-State has filed status report. Resisting the prayer made by the petitioners, learned State counsel argued that keeping in view the severity of the allegations levelled against the petitioners, they do not deserve to be extended benefit of pre arrest bail and hence the petition is liable to be dismissed.

4. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

5. The petitioners, co-accused Gora Singh and Kalu Singh along with 20 unknown persons are alleged to throw brickbats over the house of the complainant on 07.10.2021 and the petitioner No.1-Reshamjit Singh along with one unknown person is further alleged to have assaulted

2024:PHHC:110225



injured the victim Ranjit Kaur on 08.10.2021. The matter was reported to the police on 18.10.2021 i.e. after a gap of ten days and there is nothing on record to explain the said delay. A cross case has been registered on the basis of statement recorded by Punjab Roop Singh who is brother of the present petitioner No.1-Reshamjit Singh. No injury on the person of victim Ranjit Kaur has been attributed to petitioner-Harwinder Singh. Though no credence can be given to the contents of the affidavit Annexure P-2 which is claimed to have been sworn by the complainant Kulwinder Singh in pursuance of some compromise effected between the parties, however, keeping in view the fact that as per the medico legal report, the injuries No.2 to 5 as found on the person of the injured Ranjit Kaur are found to be simple in nature and the existence of an injury No.1 is shown to be doubtful. Keeping in view, the nature of the subject offences, the fact that the injuries on the person of the injured are opined to be simple in nature, that there is unexplained delay in reporting the matter to the police coupled with the fact that a cross case bearing GD No.15 dated 23.10.2021 has as well been registered against the complainant and some other members of his party under Sections 323, 326 and 148 read with Section 149 of IPC and it is a debatable question as to who is the aggressor, I am of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioners are ordered to be admitted to bail subject to their surrendering before the Arresting/Investigating Officer within a period of one week

2024:PHHC:110225



from today and on their joining investigation and further subject to furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

27.08.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No