



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37041-2024
DECIDED ON: 02.08.2024

GURPREET SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.63, dated 25.06.2024, under Sections 326, 324, 323, 427, 148, 149 IPC (Section 326 IPC added later on), registered at Police Station Shri Hargobindpur, District Gurdaspur.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Balwinder Singh son of Shingara Singh resident of Kiri Afgana, P.S. Shri Hargobindpur aged about 67 years, Phone No.62835- 90299. Stated that I am resident of above-mentioned address and doing work of agriculture. On 15.06.2024, I was working in my fields. My son Sukhdev Singh was bringing tractor from home to the fields. When my son reached at the turn of Palwinder Singh, Manjinder Singh son of Virsa Singh armed with a

datar, Palwinder Singh son of Virsa Singh armed with a rod, Ranjit Singh son of Virsa Singh armed with a Barsi, Gurpreet Singh @ MP son of Palwinder Singh armed with a datar and Mehakpreet Singh son of Baljit Singh armed with a datar resident of Kiri Afgana started following my son and followed him from their house to my land situated at a distance of about 4 killas. Immediately arriving there, Manjinder Singh raised a lalkara, "catch hold Balwinder Singh, today he should not be spared". At this, Palwinder Singh, armed with a rod, gave a blow on me. For saving myself, I raised my right hand, as a result the rod hit on my middle and next finger to little finger. Thereafter, I snatched the rod from Palwinder Singh. Thereafter, Ranjit Singh hit me with his Barsi, which hit on my head. Thereafter, Manjinder Singh gave reverse blow of his datar on me, which hit on my left shoulder. Then Gurpreet Singh gave a datar blow to me, which hit on my left wrist. Thereafter, Mehakpreet Singh gave datar blow to me. I tried to save the same using rod. I raised noise of 'maar-ditta', 'maar-ditta'. At this, above said assailants fled away alongwith their respective weapons. Gurpreet Singh @ MP was also carrying a pistol. Then my son Sukhdev Singh made me to sit on his motorcycle and got me admitted in CHC Bham (Harchowal), where the doctor treated me and also issued MLR. Above assailants also damaged my motorcycle No.PB18-X- 2633. Cause of dispute is that above named Ranjit Singh was cultivating three killas of land, which has been purchased by me. Carrying this grudge, above assailants caused me injuries. Till now, respectable persons were trying to get our differences resolved, but it did not materialise. Today I alongwith my son Sukhdev Singh was coming to inform you, when you met me on the way. I am the complainant. Legal action

may be taken against above named persons. A pen driver of above said dispute has been prepared by my son and same is recorded in a pendrive. Which is being produced before your goodself.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that it is a case of version and cross-version and as per the prosecution story, the petitioner was armed with Dattar and gave blow on the left forearm which according to the MLR is declared to be grievous in nature. He further contends that there is an inordinate delay of 10 days in the lodging the instant FIR. It has been further submitted on behalf of the petitioner that he is not involved in any other case.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer ASI Tejinder Singh, opposes the prayer for grant of anticipatory bail on the ground that the petitioner was armed with datar and have given blow upon the injured and the injury inflicted upon the petitioner falls under Section 326 IPC.

4. **Analysis**

Be that as it may, considering the totality of facts and circumstances and also the fact that there is an inordinate delay of 10 days in lodging the instant FIR; it is a case of version and cross-version and both the parties have sustained injuries added with the fact that the injury attributed to the petitioner though grievous but is on non-vital part, no useful purpose would be served by sending the petitioner behind the bars.

5. **Decision**

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

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of Section 437, as if the bail were granted under that section.

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.

The present petition is disposed off in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

02.08.2024

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No