



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. Statement has been got recorded, heard and it is correct. Sd/- Balwinder Singh. Attested by Satwinder Singh, ASI Incharge, Police Post Harchowal, P.S. Sri Hargobindpur dated 25.06.2024. Police Proceedings On 15.06.2024 | was present at the police post, when Munshi of the PP presented one MLR No. 12/AD/BHAM/2024 of Balwinder Singh son of Shingara Singh resident of Kiri Afgana before me. In MLR No.12/AD/BHAM/ 2024, the doctor mentioned total five injuries out of which injuries No.1, 3, 4, and 5 caused with sharp edged weapon while injury No.2 caused with blunt weapon. All the injuries were kept for x-ray examination. At this, I ASI alongwith ASI Paramjit Singh No.2340/Batala, PHG Ravinder Masih No.2535 reached at CHC Bham for recording statement of injured Balwinder Singh and presented one application for obtaining opinion of doctor about fitness of injured to give statement. At this, the doctor declared the injured Balwinder Singh as fit to make statement. After this, I went near bed of injured Balwinder Singh for recording his statement, but he got recorded in his statement that compromise proceedings are going on between the parties and therefore, he would later inform me about the legal action. In this regard, I reached at Police Post Harchowal and recorded rapat No.17 dated 15.06.2024 in the roznamcha. Today, I ASI alongwith ASI Paramjit Singh No.2340/ Batala, ASI Tejinder Singh No. 1862/ Batala, ASI Tarlok Singh 3291/ Batala on private vehicles were present at Chowk Harchowal, when above named Balwinder Singh son of Shingara Singh resident of Kiri Afgana alongwith his son Sukhdev Singh met me and got recorded his aforesaid statement to me. One pen drive containing video recording of above said fight was also produced before me. After recording



statement of Balwinder Singh, same was read over to me, who after admitting the same to be correct appended his signatures in English, which was further attested by me. From the contents of above statement and MLR, offences punishable under sections 323, 324, 427, 148, 149 IPC are found to have been correct. Accordingly for registration of FIR, statement is being sent to the Police station by hand through ASI Tarlok Singh 3291/ Batala. After registration of FIR, its number be informed. Control room be informed on wireless. I ASI alongwith my colleagues on private vehicles are heading towards place of occurrence in Village Kiri Afgana. Sd/- Satwinder Singh, ASI, Incharge, Police Post Harchowal, P.S. Sri Hargobindpur dated 25.06.2024 in the area of CHC Bham (Harchowal) at 2:30 pm.

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. It has been alleged that the petitioner was armed with a Barchi and gave a blow on the head which has been declared to be simple in nature while making a reference to the Medico Legal Report (Annexure P-3). He further ascertain the distinction between the case of the petitioner from the case of other co-accused who is attributed three injuries which are grievous in nature and has attracted Section 326 IPC, only after the X-Ray report was examined by the investigating agency

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from the Investigating Officer ASI Tajender Singh could



not controvert the submissions made by counsel for the petitioner, particularly submission regarding the injury attributed to the petitioner with Barchhi has been found simple in nature and attracts Section 323 IPC. Though he fairly informs the Court that the weapon used by the petitioner has been recovered and later on Section 326 IPC added.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions that injury attributed to the petitioner is simple in nature and Section 326, IPC, 1860 is not attracted, added with the fact that the petitioner has already joined the investigation for the bailable offences attributed qua him and recovery of weapon has been effected, as such now custodial interrogation of the petitioner is immaterial at this stage. Further, Section 326 is not made out against the petitioner and it is qua injury No.3 caused by co-accused Gurpreet Singh. Hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail if the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, 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 which are reproduced below :-

- (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 petition in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

01.08.2024
anuradha

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