

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38821-2024
DECIDED ON: 12.08.2024

BUTA SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikrant Vij, Advocate for
Mr. G.S. Bawa, Advocate
for the petitioners.

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 petitioners in FIR No.48, dated 13.05.2024 (Annexure P-1), under Sections 451, 427, 341, 323, 506, 148, 149 IPC and subsequently added Sections 324, 326 IPC, registered at Police Station Maqboolpura, District Amritsar.

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

“Statement of Avtar Singh son of Dhir Singh resident of Village Lalu Ghuman, Chabhal, Tarn Taran aged about 25 years Mob No. 88474-60736 stated that I am the resident of the abovementioned address and I am engaged by the excise department on a private basis. Today on 13.05.2024 around 8 PM I along with my team

members had gone to check liquor vends and when we started checking the liquor vend at Maqboolpura then Buta along with his wife, Manna along with his wife, Raju and 5-7 unidentified persons who are indulged in selling illicit liquor came there and encircled us and started beating us by throwing brickbats and stones towards us, due to which I got injured. Then they started throwing brickbats and stones at the liquor vend due to which the liquor vend was also damaged and all of them started giving us death threats due to which we ran away from the spot to save our life. I have come before you so that legal action can be taken against the accused persons. My statement is heard and the same is correct.”

3. **Contention**

On behalf of the petitioners

Learned counsel for the petitioners contends that as per the prosecution story, petitioner No.1-Buta Singh has been alleged to have given a blow of datar which hit on the little finger of the left hand of the injured and petitioner No.2 Sukhwinder Singh @ Raju has been alleged to have given fist and kick blows. He further contends that none of the injuries attributed to the petitioners are on vital part of the body of the victim. He further contends that no specific role has been attributed to the petitioners and the petitioners were nominated in the instant FIR only qua mere presence at the alleged spot of occurrence. It has been contended on behalf of the petitioners that another co-accused Manna Singh has already been granted the concession of anticipatory bail by this Court vide order dated 02.08.2024 (Annexure P-3). Learned counsel for the petitioners undertakes that the petitioners are ready and willing to join the investigation and cooperate with the Investigating Officer.

On behalf of the State

Learned State Counsel appearing on advance notice, on instructions from the Investigating Officer ASI Dilbagh Singh submits that Section 326 IPC has been added after the injuries No.1 and 2 on the finger and arm respectively have been declared to be grievous in nature by the Doctor whereas injury No.3 is simple in nature as per medico legal report.

4. Analysis

Having regard to the aforesaid facts as has been unfolded hereinabove by learned counsel for the parties, this Court finds that the instant provocation took place between the complainant and the petitioners, the incident can be culled out to be, not a result of any planned attack upon the complainant and it is only the recovery of one datar which is to be effected from petitioner No.1-Buta Singh but the fact that the petitioners are ready and willing to join the investigation and cooperate with the investigating officer, including effecting the recovery of the weapon establishes the bona fide of the petitioners.

5. Decision

In the light of above, the petitioners are directed to be released on anticipatory bail subject to their 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 petitioners 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 petitioners do not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

12.08.2024
Poonam Negi

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