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

CRM-M-50396-2024

Date of Decision:- 09.12.2024

TARSEM SINGH

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Rahul Aggarwal, Advocate for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

1. Petitioner Tarsem Singh has filed petition under Section 482 BNSS for grant of anticipatory bail in FIR No.28 dated 24.02.2022 registered under Sections 323, 324, 148, 149 of IPC and (Section 326 of IPC added later-on) registered at Police Station Chohla Sahib, District Tarn Taran (Annexure P-1).

2. As per facts of the case, Baldev Singh gave his statement that on 16.02.2022 he was returning from his fields on his motorcycle. At about 11 o'clock when he reached near pond of the village, Tarsem Singh (petitioner) armed with kirpan, Kulbir Singh @ Balla armed with baseball, Nirmal Singh @ Nikku armed with stick, Bhupinder Singh empty handed, Jugraj Singh holding stones were present there. They stopped him. Nirmal Singh @ Nikku told them to hold him and Tarsem Singh gave kirpan blow



which he warded off by raising his left arm, as a result it hit on his left elbow. Kulbir Singh @ Balla gave baseball blow which hit on his left ankle. Jugraj gave blow with stones which hit on his left knee. Bhupinder Singh grabbed him from his head and gave punch blow which hit on his left eye. Nirmal Singh @ Nikku kicked him. Alarm was raised by him. Partap Singh has seen the whole occurrence. With these allegations, present FIR was registered.

3. Learned counsel for the petitioner submits that petitioner was granted interim bail vide order dated 07.10.2024. He has already joined the investigation. Allegations are false. FIR was registered in the year 2022 and no proceedings were carried out. Now present petitioner is apprehending his arrest. He also referred to another FIR No.32 dated 17.03.2022 registered on the complaint of Sukhwinder Kaur wife of Tarsem Singh under Section 506 and 34 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Present FIR is counterblast to the said FIR. Therefore, his anticipatory bail may be allowed.

4. Bail application is opposed by learned counsel representing the State. Detailed status report has been filed which is taken on record. It is pointed out that present petitioner is specifically named who caused grievous injuries to the complainant. Present petitioner did join the investigation but did not handover the weapon used in the occurrence. Said complainant Baldev Singh had received five injuries and injury No.1 was declared as grievous. Therefore, offence under Section 326 IPC was added.

In light of this, petitioner is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. Learned counsel for petitioner has referred to the delay in carrying out the investigation. Fact remains that occurrence had taken place on 16.02.2022 and FIR was lodged on 24.02.2022. Delay is on the part of Investigating Agency. Even now present petitioner was granted interim bail vide order dated 07.10.2024. He did join the investigation but did not fully cooperate with the Investigating Agency in recovery of alleged kirpan with which complainant was given grievous injury. Therefore, investigation is incomplete. Custodial interrogation is required. Considering the aforesaid facts, interim bail already granted in favour of petitioner stands vacated.

6. Anticipatory bail is, accordingly, declined.

7. Pending application (s) if any also stands disposed of.

(AMARJOT BHATTI)
JUDGE

09.12.2024

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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No