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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-30758-2024
Date of Decision: 28.06.2024

DILBAG @ BAGGA SINGH AND ANOTHERPetitioners

Vs

STATE OF HARYANA AND OTHERS ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kushager Goyal, Advocate,
Mr. L.K. Narang, Advocate,
for the petitioners.

Mr. Karan Jindal, A.A.G. Haryana.

Mr. Aditya Sanghi, Advocate, for complainant.

MANISHA BATRA, J. (Oral)

1. The instant petition for grant of pre-arrest bail has been filed by the petitioners in case arising out of FIR No.30 dated 28.01.2024 registered under Sections 147, 148, 323, 324, 452, 506 read with Section 149 of IPC (Section 326 of IPC added later-on) at Police Station, Sadar Sirsa, on the basis of a statement recorded by the complainant-Manjeet Singh @ Makhu on 28.01.2024 alleging therein that on 25.01.2024, he was present alone in his house, when the present petitioners along with the co-accused and some other persons who were about 15 to 20 in number, came outside his house while being armed with weapons and opened an attack upon him by proclaiming that the complainant should not be spared as he had supported the family of Nimma. The complainant tried to run

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away for rescuing himself but co-accused Sukhdev @ Shunty, Bagga Singh and Angrej Singh (petitioners) caught hold of him whereas co-accused Anmol, Vicky, Sonu and Jashan inflicted injuries on his person with the respective arms carried by them and by giving kicks and fist blows. The rescue alarm raised by him had attracted the neighbourers, on seeing whom the assailants had fled away. A case under Sections 147, 148, 323, 324, 452 and 506 read with Section 149 of IPC was registered. Subsequently, offence under Section 326 of IPC was added. The petitioners along with some of the co-accused had moved an application before the Court of learned Sessions Judge, Sirsa for grant of pre-arrest bail and was directed to join the investigation. However, vide order dated 13.06.2024, the application so filed was dismissed.

2. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Total four injuries, two of which were found to be caused by blunt weapon, had been found on person of the complainant. There was inordinate and unexplained delay in registration of the FIR, which has created a dent over the truthfulness of the prosecution story. No specific overt act has been attributed to the petitioners. They have already joined the investigation in pursuance of order dated 07.06.2024 as passed by learned Sessions Judge, Sirsa. Their custodial interrogation is no more required. Neither any recovery is to be effected from them. The learned Sessions Judge, Sirsa has wrongly dismissed their application. They are still ready to join the further investigation. It is, therefore, argued that the petition deserves to be allowed.

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3. *Per contra*, learned State counsel assisted by learned counsel for complainant has argued that there are serious and specific allegations against the petitioners who by forming membership of unlawful assembly had opened an assault upon the complainant and had caused him simple as well as grievous injuries. He has, therefore, argued that the petition does not deserve to be allowed.

4. I have heard learned counsel for the parties.

5. The petitioners along with the co-accused are alleged to have formed in membership of an unlawful assembly and in prosecution of common object of that assembly, they are alleged to have caused simple as well as grievous injuries to the complainant. The petitioners have placed on record a copy of order dated 07.06.2024 passed by the learned Sessions Judge, Sirsa which reveals that they along with some of the co-accused had been directed to join the investigation and had also joined the same. Their prayer for grant of pre-arrest bail had been declined on 13.06.2024 by learned Sessions Judge, only on the ground that the investigation might be prejudiced. No recovery is to be effected from the petitioners. Keeping in view the nature of the allegations as levelled in the FIR, the fact that the petitioners previously joined the investigation and their custodial interrogation is no more required, I am of the considered the opinion that no useful purpose would be served by detaining them in custody. Hence, the petition is allowed and the petitioners are ordered to be admitted to pre-arrest bail subject to the conditions that they shall appear/surrender before the concerned Arresting Officer/Investigating Officer within a period of one week and shall join the investigation as and when required by him and subject to their furnishing bonds to

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the satisfaction of the Investigating Officer/Arresting Officer and further subject to compliance of other usual terms and conditions of Section 438(2) of Criminal Procedure Code.

7. It is, however, clarified that this order shall be having no bearing on the merits of the case.

28.06.2024

Jyoti Thakur

(MANISHA BATRA)
JUDGE

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