

CRM-M-34734-2023**SARABJIT SINGH GILL @ SAGGU VS STATE OF PUNJAB**

Present:- Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Petitioner prays for pre-arrest bail in FIR No.74 dated 15.06.2023 registered under Sections 307, 458, 324, 148, 149 and 427 IPC at Police Station Nihal Singh Wala, District Moga.

As per the story of the prosecution, at about 10 p.m., on 13.06.2023, the complainant alongwith his father Gurmeet Singh and Baldev Singh was sitting in the house of his uncle Joginder Singh. In the meantime, Basant Singh and Jassa Singh armed with swords, Saggu armed with *Gandasa*, Jagtar Singh @ Taru armed with *Khanda*, Sehaj armed with *Khanda*, Lakha Singh armed with *Khurchna*, Damru armed with axe, Sukhdeep Singh armed with *Khanda* and two/three unidentified persons were armed with base ball bats trespassed in the house after scaling the walls. In the meantime, Basant Singh gave two sword blows with an intention to kill him and in order to save himself, he raised his arms and the blow struck on his left wrist. Jagtar Singh @ Taru gave a *Khanda* blow with an intention to kill him and in the meantime, he raised his right arm and the said blow struck on fingers of his right hand. Damru gave axe blow on the person of his uncle Joginder Singh and Lakha Singh also gave *Khurchana* blow on his uncle. As per the story of the prosecution, Saggu had damaged the main gate with the help of *Khanda*. Sehaj, Sukhdeep Singh and unidentified persons damaged the house hold articles. The complainant and his family members raised hue and cry to save him and all persons fled from the spot.

Learned counsel for the petitioner contends that the petitioner is not known as Saggu in the village and has not been specifically named in the present FIR. Even, the complainant has taken contradictory stands in the present case. In the initial part of the FIR, he states that Saggu was having a *Gandasa* whereas but in the later part, he states that Saggu was having a *Khanda* and damaged the main gate. Except that, there is no attribution to Saggu. He further submits that even the injury, which attracted offence under Section 307 IPC is not on the vital part of the complainant. He further contends that it is a case of version and cross-version and one DDR No. 21 dated 29.06.2023 under Sections 323, 341, 506, 148 and 149 of IPC was registered against the complainant party. He, thus, contends that the question of aggressor is yet to be decided and there is a civil dispute pending between the parties. He further contends that his custodial interrogation is not required in the present case.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, accepts notice on behalf of the respondent-State.

List on 16.10.2023.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C.

20.07.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE