

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

(204)

CRM-M-28534-2015

Decided on: October 13, 2015.

Boota Ram

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.S. Tiwana, Advocate, for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Jasvir Kumar alleging that he along with his brother were assaulted on 14.02.2015 by 5-7 boys who had come on an auto-rickshaw accompanied by other 3 boys who came on motorcycle. There were 10 to 15 unidentified persons armed with 'kirpan' and 'datar'. So far as petitioner is concerned. He has been attributed an injury with reverse side of 'datar' on the right thigh of complainant Jasvir Kumar.

It is pertinent to observe here that there are three persons with the name of Boota.

Learned counsel for the petitioner has submitted that the complainant himself is involved in a large number of criminal cases and that on account of his rivalry with Sukhwinder Singh @ Kala, all the persons known to Sukhwinder Singh @ Kala have been arrayed as accused in this case.

Learned counsel for the complainant has intervened to oppose the application for bail contending that the petitioner has actively participated in the injuries on the person of the complainant being a member of unlawful assembly.

Without expression of any opinion on the culpability of the other accused, it is sufficient to observe that the petitioner has been attributed injury No. 11 on the person of Jasvir Kumar, which is on a non vital part. The injury attributed to the petitioner is from the reverse side of 'datar' and is a mere laceration.

Taking into consideration the fact that the petitioner has not been attributed any grievous injury, the petitioner can be granted concession of pre-arrest bail. The petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

- (1) Petitioner will join investigation as and when required;
- (2) Petitioner will not tamper with the evidence or hamper the investigation in any manner;
- (3) Petitioner will not commit any similar offence of which he is accused of during the pendency of the trial; and
- (4) Petitioner will not browbeat the witnesses involved in the present case.

(M.M.S. BEDI)
JUDGE

October 13, 2015
harsha