

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

CRM-M-70-2015 (O&M)

Date of Decision: February 6, 2015

Surinder

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Vivek K.Thakur, Advocate
for the petitioner.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab.

Mr.S.S.Goraya, Advocate
for the informant.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioner, Surinder, who
has been booked for having committed the offences punishable
under Sections 307 and 323 read with Section 34, IPC, in a case
arising out of FIR No.203, dated 29.10.2014, registered at Police
Station, Division No.1, Jalandhar.

Learned counsel contends that as per prosecution

version, the occurrence had taken place at 9.30 p.m. on 24.10.2014; injured Simran Preet Singh Bajwa was medico-legally examined on 25.10.2014 at 5.59 p.m. while he reported the matter to the police on 29.10.2014. He further submits that the petitioner has been attributed simple injuries on the head of injured-Simran Preet Singh Bajwa.

Learned counsel for the State on instructions from ASI Gurdev Singh of Police Station, Divison No.1, Jalandhar, very fairly concedes that the matter was reported to the police approximately five days of the occurrence. He further concedes that the injured was medico legally examined approximately after about 18 hours. It has also been conceded that the injury attracting the mischief of Section 307, IPC has been attributed to Lakhbir Singh, who has been arrested and after completion of the investigation, chargesheet (report under Section 173, Cr.P.C.) has been filed for his (Lakhbir Singh) prosecution.

Learned counsel for the informant has opposed the grant of anticipatory bail to the petitioner on the premise that as many as two injuries were inflicted on the head of the injured -Simran Preet Singh Bajwa and hence, the petitioner is not entitled to the concession of anticipatory bail.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The matter was reported to the police approximately after five days of the occurrence and the said delay assumed importance when Navalpreet Singh Bajwa informant had allegedly witnessed the occurrence; even the injured was medico legally examined after a delay of approximately 18 hours of the occurrence. The occurrence had taken place on account of road rage of parking of Gypsy in the middle of the road and that the main accused who had inflicted the injury attracting the mischief of Section 307, IPC, has already been arrested and after completion of the investigation, the chargesheet qua him has already been presented.

In view of the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner Surinder s/o Amarjit Singh, resident of VPO Nagra, Tehsil and District Jalandhar, shall be admitted to bail in the event of his arrest subject to his furnishing bail bonds to the satisfaction of the Arresting Officer.

The petitioner shall join the investigation as and when

required to do so and abide by all the conditions laid down
under Section 438(2) Cr.P.C.

February 6, 2015
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(NARESH KUMAR SANGHI)
JUDGE