

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.28145 of 2015

Date of Decision:-25.04.2016

Shinder Pal.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Salil Bali, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Lakhwinder Singh.

Mr. HPS Ghumman, Advocate for the Complainant.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Shinder Pal in case FIR No.25 dated 2.5.2015 for offences punishable under Sections 323, 324, 427, 452, 148, 149 and 506 of Indian Penal Code & Section 326 of Indian Penal Code added later on, registered with Police Station Rawalpindi, Tehsil Phagwara, District Kapurthala.

It is submitted that the petitioner has been attributed two *Kirpan* blows upon Inderjit Singh on the left arm and one of the injuries on the wrist has been declared to be grievous in nature.

There is a version and cross version and as per the opinion of the Board of Doctors at PL-4 relating to the injuries upon Inderjit in the cross version case the possibility of injuries to be self inflicted cannot be ruled out. It is next contended that the petitioner has suffered 7 injuries including the grievous injuries as per MLR P-2.

Counsel for the complainant has opposed the bail application on the ground that during the period of grant of anticipatory bail, the accused party has on 18.09.2015 caused fresh injuries to Inderjit Singh qua which separate subsequent FIR No.77 dated 23.09.2015 for offences under Sections 324, 323, 341, 148, 149 IPC has been registered.

Learned State Counsel assisted by ASI Lakhwinder Singh submits that the allegations qua subsequent FIR No.77 were investigating and the cancellation report has been prepared, however, the private complaint of Inderjit Singh qua the said incident has been entertained and the accused persons have been summoned. As regards the present FIR, he submits that the petitioner has joined investigation and his custodial interrogation is no longer required.

In view of the above position as it stands today the allegations qua misuse of the interim/pre-arrest bail granted have been found to be false by the investigating agency, therefore, no reliance can be placed on the same.

Without commenting on the merits of the case, keeping in view the above, interim protection/pre-arrest bail granted vide order dated 25th of August, 2015 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

April 25, 2016
Vinay