

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

**CRM-M-32137-2016**

**Date of decision: September 28, 2016**

**Jarnail Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE JASPAL SINGH**

Present: Mr. A.S. Cheema, Advocate  
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab  
for the respondent-State.

Mr. Gurbhajneek S. Samra, Advocate  
for the complainant.

**JASPAL SINGH, J.(ORAL)**

By virtue of the instant petition moved under Section 438 of Code of Criminal Procedure, petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case FIR No.83 dated 30.07.2016, under Sections 452, 323, 506, 34 of Indian Penal Code, registered at Police Station Boha, District Mansa.

The only allegation against the petitioner is that he while armed with KASIA accompanied by his co-accused, namely, Harminder Singh etc. entered into the house of the complainant and while exhorting to his other companions dealt KASIA blow which rested on the head of Charanjit Kaur. No doubt, during the course of occurrence, two other persons have also sustained injuries but those have been ascribed to the non-applicants/co-accused. Moreover, it has been fairly conceded by learned State counsel that an injury appearing on the head of Charanjit Kaur is neither grievous nor dangerous to life. At the most, said injury falls within the purview of Section 323 IPC as even there is nothing on record to show that she suffered

a fracture. However, at this juncture, it has been submitted by learned State counsel that the matter is of serious nature as the petitioner accompanied by some other persons while armed with deadly weapons entered into the house of the injured-complainant and caused injuries to the occupants thereof. As such, the petition does not deserve the concession of bail but this Court does not find much substance in these submissions.

Thus, taking into consideration all the aspects of the case but without expressing any opinion on merits, this Court is of the considered view that a case is made out which is envisaged under Section 438 Cr.P.C. Accordingly, petition is allowed and petitioner is ordered to be released on bail but subject to the conditions:-

- (i) that the petitioner is directed to join the investigation before the Investigating Officer on 05.10.2016 at 11:00 am and cooperate with the Investigating Agency with regard to recovery of the weapon alleged to have been used by him during occurrence with further direction to appear before the Investigating Officer as and when required by him;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.*

September 28, 2016  
m. sharma

(JASPAL SINGH)  
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No