

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

CRM-M No.43512 of 2016.

Date of Decision: 16.12.2016.

Jagdeep Singh and another

....Petitioners.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. S.S. Nara, Advocate for the petitioners.

Mr. Karan Sharma, Assistant Advocate General, Haryana.

Mr. Arvinder Arora, Advocate for the complainant.

SNEH PRASHAR, J.

Based on the statement of complainant Ravinder Singh son of Manjeet Singh, First Information Report No.220 dated 20.09.2016 under Section 323 read with Section 34 and 506 of the Indian Penal Code (for short, "IPC") was registered against the petitioners. Pursuant to the same, the petitioners surrendered before the Area Magistrate and the offences being bailable were enlarged on regular bail. However, during the course of investigation and on the basis of the medical opinion, according to which the injury suffered by complainant-victim Ravinder Singh in his right eye was opined to be grievous in nature and inflicted with a sharp edged weapon, section 326 IPC was added to the case. The petitioners filed an application for anticipatory bail which was dismissed by learned Additional Sessions Judge, Ambala.

representing the petitioners, Mr. Karan Sharma, learned Assistant Advocate General, Haryana and Mr. Arvinder Arora, learned counsel representing the complainant have been heard.

At the very outset, learned counsel for the petitioners submits that he does not press the instant petition for grant of anticipatory bail on behalf of Jagdeep Singh (petitioner No.1) to whom the grievous injury suffered by the complainant in his right eye has been attributed. Accordingly, the petition by Jagdeep Singh is dismissed as not pressed.

As regards Ravinder son of Harbajan Singh (petitioner No.2), learned counsel submits that the accusation against him is only that he used abusive language and gave slap and fist blow to the complainant and caught him from behind. He was not armed with any weapon and no specific injury was attributed to him.

On the other hand, learned counsel for the complainant submits that petitioner Ravinder actively participated in the commission of crime. When he caught the complainant from the back side, Jagdeep Singh (petitioner No.1) hit on the right eye of the complainant with some weapon like a screwdriver. It is clear that the offence was committed with a common intention.

Learned State counsel submits that the weapon used during commission of crime is yet to be recovered.

The injury suffered by complainant-victim Ravinder Singh in his right eye has been declared grievous by the doctor. As per the medical case summary, the injury had been inflicted with a sharp aged weapon like 'Key'. At the initial stage, because the First Information Report was

petitioner was enlarged on regular bail by learned Magistrate. It is not the allegation that he has misutilized the concession of bail in any manner. The grievous injury suffered by the complainant-victim had not been attributed to the petitioner.

Considering the aforesaid facts and circumstances and without going into the merits, the instant petition filed by petitioner No.2 Ravinder son of Harbajan Singh is allowed. In the event of his arrest, he will be admitted to anticipatory bail to the satisfaction of the Arresting Officer, subject to the following conditions:-

- (1) that he shall make himself available for interrogation by the Investigating Officer as and when required;
- (2) that he 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 and;
- (3) that he shall not leave India without prior permission of the Court.

Petitioner No.2 Ravinder will appear before learned trial Court within 30 days from the date he is admitted to bail by the Arresting Officer and will file an application for regular bail. On his doing so, he will be admitted to bail on furnishing bonds to the satisfaction of learned trial Court.

(SNEH PRASHAR)
JUDGE

16.12.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No