

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

**CRM-M No. 8211 of 2016 (O&M)
Date of Decision: 11.04.2016**

Gurdial Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. M.S. Saini, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Sardul Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail on behalf of the accused/petitioner-Gurdial Singh in case FIR No. 74, dated 04.12.2015, for offences punishable under Sections 434, 34 of the Indian Penal Code and later on offence under Section 326, Indian Penal Code added vide Rapat No. 37, dated 04.02.2016, registered at Police Station Dera Babas Nanak, Batala, District Gurdaspur.

For the occurrence on 30.11.2015 at around 1.15 p.m., the aforesaid FIR was lodged after a delay of four days. The petitioner-accused is alleged to have inflicted a *Datar* blow on the left arm and right leg of the complainant-Harvinder Singh. The injury on the left has been declared to be grievous.

It was contended that there is a version and cross version of the occurrence. The petitioner-accused as per the MLR of the same day after examination at 3.30 p.m. is shown to have suffered nine injuries including

incised wounds. It was further submitted that as per Annexure P-4, one of the injury is grievous in nature. It was also contended that anyway the petitioner was arrested and released on bail, however, after a delay of 45 days an opinion had been obtained, whereby Section 326 IPC had been falsely got attracted, apart from the alleged offences being as a counter blast to the cross version of the accused-petitioner.

At the time of hearing, learned counsel for the petitioner submits that pursuant to order dated 14.03.2016, passed by this Court, the petitioner has since joined the investigation and fully cooperated.

Learned State Counsel, assisted by ASI Sardul Singh, does not refute the aforesaid factual position and further states that the petitioner is no longer required for custodial interrogation.

In view of the above, the interim protection/pre-arrest bail granted to the petitioner by this Court's order dated 14.03.2016, is made absolute.

Disposed of.

April 11, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**