

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

**CRM-M No. 8432 of 2016 (O&M)
Date of Decision: 02.05.2016**

Gursewak Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate assisted by
Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by ASI Lilu Ram.

Mr. G.S. Sidhu, Advocate
for the complainant.

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 petitioner/accused- Gursewak Singh in case FIR No. 12, dated 07.01.2016, for offences punishable under Sections 323, 341, 506, 148, 149, 109 of the Indian Penal Code (Section 307, IPC added later on), registered at Police Station Kalanwali, District Sirsa.

It was contended that in the alleged attack launched by nine accused persons including the petitioner, injured Baljinder Singh has suffered five injuries as per MLR. Injury No. 1 on the forehead is a lacerated wound and has been opined to be dangerous to life.

It was further contended that the aforesaid injury No.1 is attributed to non-applicant/co-accused-Sewak Singh @ Gursewak Singh son of Kaur Singh with a Kappa, who has since been arrested. The petitioner-accused alongwith co-accused/non-applicant-Gurpreet Singh and Jagsir Singh are not armed and

have been attributed fist and kick blows to the injured-Baljinder Singh. Thus, it was contended that it is debatable whether offence under Section 307, IPC would be made out and even that has been attributed to co-accused.

Learned counsel for the petitioner submits that pursuant to order dated 15.03.2016, passed by this Court, the petitioner has joined the investigation and fully cooperated.

Learned counsel for the complainant has vehemently opposed the grant of bail to the petitioner.

Learned State Counsel, assisted by ASI Lilu Ram, does not dispute the fact that the petitioner has joined the investigation and he 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 15.03.2016, is made absolute.

Disposed of.

May 02, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**