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

**CRM-M No.14834 of 2017
Date of Decision: 17.05.2017**

Jagga @ Deepak

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. A.S. Kler, DAG, Punjab.

Mr. Sandeep Arora, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks anticipatory bail in case bearing FIR No.34 dated 08.03.2017 registered under Sections 308, 325, 323, 341, 506, 34 IPC at Police Station Division No.2, Pathankot. Initially, FIR was registered for the offences under Sections 325, 323, 341, 506, 34 IPC. After a period of 31 days offence under Section 308 IPC was added on 08.04.2017. Occurrence took place on 07.03.2017 at about 10:30 AM.

As per FIR, mother of Kabal Sharma lodged the FIR with the allegations that the injured Kabal Sharma was called

outside the house at about 10:30 AM. Thereafter, Tempo made a lalkara and gave fist blow on the left eye of injured Kabal Sharma. Jagga inflicted injury on the back side of head of Kabal Sharma and Vicky caught hold both arms of Kabal Sharma from behind. Kabal Sharma fell down and all the assailants gave kick and fist blows on both sides of head, cheeks and lower lip of injured Kabal Sharma.

Learned counsel for the petitioner submits that initially offences were bailable in nature. The police only raided the premises of the petitioner on 08.03.2017 and they appeared before the police officer for the offences in question.

The grant of bail in bailable offences has been refuted by learned counsel for the complainant and learned State counsel on instructions from ASI Angrej Singh.

Apparently, there is a subsequent enlargement of culpability of the petitioner in view of addition of offence under Section 308 IPC about 31 days of the occurrence. The aforesaid occurrence in the intensity of allegation is based on opinion of Board of Doctors.

Learned counsel for the complainant submits that after the occurrence, the injured was first taken to Max Hospital and thereafter, MLR was prepared in Public Health System

Corporation, Civil Hospital Pathankot, wherein seven injuries were noticed. Thereafter, injured was referred to DMC Ludhiana.

Grant of bail by the Investigating Officer in the bailable offences in view of the fact that the police allegedly raided the house of the petitioner only on 08.03.2017 would be debatable for presuming that the petitioner was on bail for the initial misconduct and subsequent enlargement in culpability would entail in grant of anticipatory bail to the petitioner.

In view of above, I deem it appropriate to direct the petitioner to join investigation on 25.05.2017 and in the event of his arrest, he shall be enlarged on bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

May 17, 2017.

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No