

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

**Crl. Misc. No.M-27304 of 2017 (O&M)
Date of Decision: August 16, 2017**

Harcharan Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.K.Trikha , Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 139 dated 16.09.2016 registered for the offences punishable under Sections 308, 323, 325, 506, 148 read with Section 149 of Indian Penal Code at Police Station Dasuya, District Hoshiarpur.

Heard.

Learned State counsel on instructions from ASI Ravinder Singh submits that the petitioner Harcharan Singh raised a *Lalkara* which started incident, in which injuries were caused to two persons, who suffered 13 injuries out of which 7 were declared grievous. In the supplementary statements of both the injured recorded at later stage, they

had attributed one dang blow to the petitioner-Harcharan Singh and that injury was also declared as grievous.

As per the allegations in the FIR, petitioner was armed with base-ball bat. Four out of five injuries suffered by Kashmir Singh were punctured wound and one was a bruise. It is a matter of investigation as to how these injuries were caused to the complainant and whether the same could be caused with base-ball bat.

Keeping in view the role assigned to the petitioner in the FIR, this petition is allowed and the petitioner is directed to surrender before the police and join investigation within a week. In the event of his arrest being required, he shall be released on pre arrest bail till the presentation of challan, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall loose the benefit of bail allowed to him and will seek regular bail on presentation of challan.

It is, however, made clear that in the event the petitioner failing to join the investigation, as and when so required, he will loose the benefit of pre-arrest bail allowed to him.

August 16, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No