

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

CRM-M No.28327 of 2017

Date of Decision : 23.08.2017

Nishan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. J.S. Jaidka, Advocate for
Mr. Naresh K. Kalia, Advocate
for the petitioner.

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab
for the respondent-State.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking anticipatory bail in case FIR No.24 dated 2nd July, 2017, registered under Sections 324, 323, 148, 149 of the Indian Penal Code, (for short, 'the IPC') (Section 326 IPC added later on) at Police Station Ghanie Ke Bangar, District Batala.

Ld. Counsel for the petitioner draws attention of the Court to the effect that the injury imputed to the petitioner in the FIR was subsequently determined to be “simple in nature”, and that the culprit to whom the grievous injury (injury No.2), as mentioned in the FIR, is attributed, namely, Harjot Singh, is already in detention.

Ld. Counsel appearing on behalf of the respondent-State however, opposes the bail prayer by submitting that the petitioner is not co-operating with the investigation inasmuch as the weapon of offence, allegedly used by him, could not be recovered.

In the given circumstances, considering the role and nature of injury attributed to the present petitioner in the FIR, and coupled with the fact that the culprit causing the grievous injury is already in detention, the petitioner is permitted to be released on anticipatory bail to the satisfaction of the Investigating/Arresting Officer, subject to appropriate terms and conditions under Section 438(2) Cr.P.C.

August 23, 2017
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No