

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

CRM-M No.21919 of 2018

Date of Decision: 21.05.2018

Gurjant Singh @ Janta

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to petitioner-Gurjant Singh @ Janta in case FIR No.65 dated 28.05.2017 registered under Sections 323, 324, 148 and 149 IPC at Police Station Rajan Sansi, District Amritsar Rural only on the basis of apprehension that as per observations of the Court, the offence under Section 326 IPC can be added.

Learned counsel for the petitioner submits that other than the offence under Section 326 IPC, the petitioner is already on bail. Learned counsel also submits that the petitioner moved an application on 04.09.2017 but it was withdrawn by the counsel on the basis of statement given by the Investigating Officer that offence under Section 326 IPC has been deleted after giving an opinion by the Board of Doctors. Learned counsel further submits that as per Medical Board, the injuries have been caused by friendly hands and it cannot be ruled out. Learned counsel also submits that in case, the offence under Section 326 IPC is added by the trial Court, the petitioner can be arrested at any time as at the time of hearing of the case, the

petitioner would be present. As till date, no offence under Section 326 IPC is there but only on the basis of apprehension, the petitioner has filed the present petition. Neither the observations made by the Court are on record nor there is any document to show that the offence under Section 326 IPC is likely to be added.

Accordingly, there is no ground to grant anticipatory bail to the petitioner without adding of Section 326 IPC.

The petition is dismissed.

However, under any circumstances on the basis of evidence before the trial Court, in case, the offence under Section 326 IPC is added, the petitioner be given an opportunity to move an application for grant of anticipatory/regular bail within a period of three days and the petitioner shall be protected for a period of three days.

21.05.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No