

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

CRM-M-33125-2018
Date of decision: 17.10.2018

Sinderjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Rana, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. Sherry K. Singla, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 48 dated 20.06.2018, under Sections 307, 341, 323, 427, 128 and 149 of the IPC, registered at Police Station Sadar Ahmedgarh, District Sangrur.

While issuing notice of motion on 03.08.2018, the following order was passed:

“Learned counsel for the petitioner submits that prior to the registration of the FIR, the petitioner has already filed a petition bearing CRM-M-20073-2018 praying for protection to his life and liberty and in that petition, notice of motion has been issued and the same is now fixed for 15.10.2018. Learned counsel for the petitioner further submits that there is a land dispute between injured Gobind Singh and Satnam Singh and these facts have already been disclosed in the petition

which has been filed much before the registration of the present FIR. It is further submitted that co-accused Satnam Singh has already been arrested by the police. Learned counsel for the petitioner further submits that as per the version given in the FIR, the petitioner was armed with a stick and has caused injuries to Gobind Singh along with co-accused Charanjit Singh, Jashanpreet Singh and Jaskaran Singh. It is also submitted that the petitioner is ready to join investigation.

Notice of motion for 15.10.2018.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner submits that no specific injury is attributed to the petitioner and co-accused Satnam Singh has already been arrested and injury falling under Section 307 IPC is attributed to him.

Learned State counsel, on instructions from the Investigating Officer, assisted by learned counsel for the complainant, has, however, opposed the prayer of the petitioner on the ground that similarly situated co-accused Charanjeet Singh has been denied concession of anticipatory bail, vide order dated 24.08.2018 passed by this Court in CRM-M-34857-2018, noticing the fact that injured/victim has received as many as eight injuries, out of which, three injuries were on the head of the injured.

Learned State counsel has further submitted that three injuries, received by the injured/victim, are on the head as per medico-legal report and the victim has partially lost his hearing capacity on account of injuries sustained by him on his left ear.

In reply, learned counsel for the petitioner submits that the petitioner has joined investigation and challan stands presented and custodial interrogation of the petitioner is not required. It is further submitted that there is a civil litigation between injured Gobind Singh and co-accused Satnam Singh and as per the allegations in the FIR, the petitioner was armed with a stick whereas Satnam Singh has caused injuries to the victim with a brick and the injury falling under Section 307 IPC is attributed to Satnam Singh.

Learned State counsel as well as learned counsel for the complainant could not dispute the fact that challan stands presented, however, they submit that anticipatory bail application of co-accused Charanjeet Singh was dismissed by this Court noticing the fact that he was also attributed injury on the head of injured/victim Gobind Singh.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that though the anticipatory bail application of co-accused Charanjeet Singh was dismissed, yet the petitioner has joined investigation and the challan stands presented, therefore, the instant petition is allowed and the interim bail granted to the petitioner, vide order dated 03.08.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it is made clear that in case the petitioner is found involved in misusing the concession of bail, it will be open for the prosecution to apply for cancellation of his bail.

October 17, 2018
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>