

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

**CRM-M-33888-2018
Date of decision: 04.10.2018**

Satnam Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Thind, Advocate
for the petitioners.

Mr. Sidakmeet Sandhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 47 dated 28.04.2018, under Sections 341, 323, 326, 382, 427, 148, 149 of the IPC, registered at Police Station Kathu Nangal, District Amritsar (Rural).

The operative part of the order dated 13.08.2018, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that the petitioners were granted interim bail by the Additional Sessions Judge and they have joined the investigation, however, the bail application was dismissed considering the fact that later on, offence under Section 326 IPC was added. Counsel for the petitioners has relied upon opinion of the Medical Board dated 04.05.2018, wherein the following opinion has been given: -

“Enquiry and opinion of present Board of Doctors
As per the MLR and final opinion regarding nature of injury by earlier Board of Doctors, there was only one injury present on the person of the injured Sadha Singh caused by sharp surface. On

examination of the x-ray film there are two cuts present. One cut fracture as mentioned in the x-ray report and another superficial cut is present just below the cut fracture. Keeping in view the injury No.1 the only injury present caused with sharp weapon being present on non-vital and easily accessible part of body and x-ray film examination revealing two fractures, the present Board of Doctors is of the opinion that there is strong possibility of this injury being caused by friendly hand, however, circumstantial evidences may be taken into consideration.”

Learned counsel for the petitioners further submits that the Medical Board has held that there is strong possibility of this injury being caused by friendly hand, which was declared grievous, invoking Section 326 IPC. Counsel for the petitioners has further referred to the FIR to submit that none of the petitioner is attributed any specific role and therefore, it will be a debatable issue to be decided during the course of trial, as to whom, this injury was attributed. Learned State counsel, on instructions from ASI Jasbir Singh, has not disputed the factual position, however, submitted that the petitioners may be directed to join the investigation.

List again on 04.10.2018.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 13.08.2018, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Hardeep Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 13.08.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

October 04, 2018
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

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