

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38329-2018
Date of decision:10.09.2018

Vikram Mahey @ Vicky

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amandeep Soni, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of
FIR No.189 dated 28.07.2018 under Sections 341, 323, 379-B and 34 of
Indian Penal Code, 1860 Police Station Division No.6, Jalandhar.

The FIR was registered at the instance of Harshpreet Singh
who has alleged that on 18.07.2018 he was attacked by four boys who
were armed with '*Datar*', '*Kirpan*' and rods. It is alleged that one of them
who was being referred to as Sivi gave a blow with rod on his back and
resultantly he fell on the ground. Thereafter, Lala is alleged to have given
a '*Datar*' below from the reverse side on the head. Sunny is stated to have

given a punch on the ear of the complainant and the Vicky (petitioner) is alleged to have given a blow with '*Danda*' on the back of head of complainant and thereafter all the four of them are alleged to have dragged the complainant and snatched his bracelet and also his mobile.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and even as per the allegations, he is stated to be armed with stick and not with any deadly weapon. It has further been submitted that in any case, none of the injuries on the person of the complainant had been reported to be grievous or found to have been caused with sharp edged weapon and that in these circumstances, the petitioner who is young boy deserves the concession of anticipatory bail.

On the other hand learned State counsel has submitted that the petitioner is specifically named in the FIR and is specifically stated to have caused one blow on the head of the complainant, which is duly reflected in the MLR.

I have considered rival submission addressed before this Court. It has not been disputed that none of the injuries is an incised wound or declared to be grievous injury. All the injuries are simple in nature. Having regard to facts and circumstances of the case, I do not find that it is a case of custodial interrogation. Accordingly the petition is accepted and it is directed that in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the

conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

10.09.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**