

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

204

CRM-M-41481-2018
Date of Decision:17.12.2018

Ravinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Mr. Nikhil Chopra, Addl. AG, Punjab.

Mr. Sunny Singla, Advocate for the complainant.

MANOJ BAJAJ, J.(ORAL)

Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.194 dated 29.08.2018, under Section 307 IPC registered at Police Station City Faridkot, District Faridkot at the instance of Harpreetpal Singh son of Raghubir Singh. Para in the FIR, it is alleged that on 25.07.2018, he was assaulted by the petitioner - Ravinder in the hostel room. As a result of that injury and the MLR, offence punishable under Section 323 IPC was made out. Later on offence under Section 307 IPC was added on 29.08.2018.

In response to the order passed by this Court, affidavit has been filed on behalf of Raj Bachan Sandhu, PPS, Senior Superintendent of Police, District Faridkot dated 20.10.2018. It is mentioned in Paragraph 5 that since the victim-Harpreetpal Singh has given a statement on 07.08.2018 indicating that accused-Ravinder assaulted him with an intention to kill him

and on the basis of the same, offence punishable under Section 307 IPC was attracted in this case.

Learned counsel for the petitioner has argued that even after recording of statement of injured Harpreet Pal Singh and examination of MLR, FIR was registered for the offence punishable under Section 323 IPC which is bailable in nature. Besides, it is also noticed that in the DDR bearing No.32 dated 26.07.2018, it is recorded that the injured suffered injuries as a result of fall from the stairs.

On the other hand, learned State counsel assisted by learned counsel for the complainant has opposed the bail application on the ground that the offence is serious. However, nothing has been pointed out to justify the delay in lodging the FIR as the occurrence took place on 26.07.2018 and initially information received is regarding fall of the injured from a stair case.

Considering the above, the petition is allowed. The petitioner is directed to join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

17.12.2018
sheetal

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No