

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

CRM-M-43299-2017 (O&M)

Date of decision: 28.02.2018

Satnam Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Jagjit Singh, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.139, dated 09.10.2017, under Sections 323/324/148/149 IPC (Section 326 IPC added subsequently), registered at Police Station Sadar, Kapurthala.

On 30.11.2017 while issuing notice of motion, the following order was passed by this Court:

“Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.139 dated 09.10.2017 under Sections 323, 324, 148, 149 IPC (Section 326 IPC was later on added), registered at Police Station Sadar, Kapurthala.

Learned counsel for the petitioner states that the allegation against the petitioner is that he has caused injury to complainant-Dev Raj on little finger of his right hand and the said injury was declared grievous by the Doctor. He further states that the FIR was registered against the petitioner three days after the occurrence. Moreover, petitioner has also

received six injuries in the same scuffle.

Learned State Counsel, on instructions from ASI Kewal Singh, states that the petitioner has caused injury to complainant-Dev Raj, which is found to be grievous in nature, whereas the injuries suffered by the petitioner are simple in nature and a DDR has been registered at the behest of the petitioner.

In view of the fact that the present case is a case of cross-fight between the parties, adjourned to 25.01.2018.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.PC.”

Learned State counsel upon instructions from ASI Amarjeet Singh apprises the Court that the petitioner has since joined investigation and even the weapon used in the alleged occurrence i.e. the kirpan has been recovered.

It has also gone uncontroverted that the grievous injury suffered by the complainant/Dev Raj attributed to the present petitioner is on a non-vital part of the body.

In view of the above, prayer made in the petition is accepted.
Order dated 30.11.2017 passed by this Court is made absolute.

Disposed of.

28.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |