

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-481-2018(O&M)
Date of Decision: 15.02.2018

Sajan @ Arwinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Amit Arora, Advocate for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

Ms. G.K. Mann, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case FIR No.69, dated 17.05.2017, under Sections 452/323/324/380/427/336/148/149 IPC and Section 25 of the Arms Act (Sections 307/325/336/120-B/201 IPC added subsequently but thereafter Sections 307/380/120-B/148/149 IPC stands deleted and Section 34 IPC has been added) registered at Police Station Sadar Tarn Taran, District Tarn Taran.

On 10.01.2018, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks concession of anticipatory bail in case FIR No.69, dated 17.05.2017, under Sections 452/323/324/380/427/336/148/149 IPC and Section 25 of the Arms Act (Sections 307/325/336/120-B/201 IPC added subsequently but thereafter Sections 307/380/120-B/148/149 IPC stands deleted and Section 34 IPC has been added) registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Counsel for the petitioner submits that FIR came to registered on the statement of Kamaljit Kaur in relation to an alleged occurrence dated 16.05.2017. Injured is stated to be Surjit Singh i.e. husband of the complainant. Insofar as version of the complainant is concerned and who is stated to be an eye witness of the occurrence, petitioner was armed with a datar and has been attributed a datar blow in the stomach of injured Surjit Singh.

Counsel representing the petitioner would advert to the MLR of injured Surjit Singh and which reflects 7 injuries but none in the abdominal area.

Counsel further submits that during the course of investigation, offence under Section 307 IPC has been deleted.

Notice of motion, returnable for 15.02.2018.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Balbir Singh would apprise the Court that the petitioner has since joined investigation.

Counsel for the complainant i.e. Kamaljit Kaur would vehemently oppose the present petition by submitting that there is an error at the stage of recording of the FIR inasmuch as the *datar* blow was inflicted on the thigh region of the injured Surjit Singh i.e. *Patt*, whereas it has been incorrectly recorded to be in the stomach/abdominal region/*Pait*.

Even if such submission was to be accepted, MLR of injured Surjit Singh reflects one injury in the thigh region i.e. lacerated wound over left lateral aspect of thigh around 2 cm x 1 cm.

It has gone uncontroverted that during the course of investigation offence under section 307 I.P.C has been deleted.

Petitioner having joined investigation, his custodial interrogation, as such, would not be warranted.

Accordingly, the present petition is allowed. The order dated 10.01.2018, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.02.2018

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No