

In the High Court of Punjab and Haryana at Chandigarh

1. **Crl. Misc. No. M-47195 of 2017**
Date of Decision: 12.1.2018

Amrik Singh @ Baggu @ Amrik LalPetitioner

Versus

Sudesh KumarRespondent

2. **Crl. Misc. No. M-47199 of 2017**

Amrik Singh @ Baggu @ Amrik LalPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. R.S.Bhatia, Advocate
for the petitioner.

Mr. Rajbirinder S. Chahal, Addl. A.G., Punjab.

Mr. Neeraj Madan, Advocate
for the respondent (in CRM-M-47195-2017).

ANITA CHAUDHRY, J (ORAL)

Two petitions have been filed by the petitioner seeking anticipatory bail in a complaint case and FIR case.

Challan was presented in the FIR case under Section 323, 325 IPC and the trial was proceeding when an application was moved by the complainant under Section 216 Cr.P.C. for addition of Section 307, 452, 354 IPC. The application was allowed by the Magistrate and charge was

ordered to be amended and the case was adjourned for framing of charge.

The complainant had also filed a complaint and the trial Court had summoned the accused under Section 452, 325, 307, 323, 354 IPC vide order dated 12.9.2017. It is on the same day that the application filed by the complainant/State under Section 216 Cr.P.C. in the FIR case was allowed.

The accused fearing his arrest applied to the Court for anticipatory bail which was rejected on 31.10.2017. Thereafter fearing his arrest, the petitioner did not appear before the Court on the date fixed in December and thereafter approached this Court and is seeking anticipatory bail.

I have heard both the sides.

The trial Court in its order noticed the injuries and the CT Scan and held that since the injury was on the head and which resulted in the fracture of the skull therefore charge was made out under Section 307 IPC.

The petitioner has been appearing in the Court and is facing the trial. Some additional Sections have now been added. Therefore, keeping the principles in mind anticipatory bail should have been allowed by the trial Court. The petitioner was not required for investigation by the police.

Both the petitions are allowed. The execution of warrants issued by the trial Court is stayed. The petitioner undertakes to appear before the trial Court in both the cases on 16.1.2018 the date already fixed. On appearance, he would be admitted to bail on furnishing bonds to the satisfaction of the trial Court.

Both the petitions are disposed of.

(ANITA CHAUDHRY)
JUDGE

January 12, 2018
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No