

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

**Crl. Misc. No.M-1719 of 2019 (O&M)
Date of Decision: March 07, 2019**

Sandeep Singh

.....PETITIONER

VERSUS

State of Punjab

....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amit Kumar Saini, Advocate
for the petitioner (s).

Ms. Ambika Bedi, A.A.G. Punjab.

Mr. L.S.Lakhanpal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

This third petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 63 dated 29.03.2018 registered for the offences punishable under Sections 458, 323, 341, 506, 148 read with Section 149 of Indian Penal Code (for short IPC) at Police Station Civil Lines Patiala, District Patiala.

Heard.

Learned counsel for the petitioner submits that earlier bail application of the petitioner was dismissed with the observations that he had been attributed head injury on the person of complainant. The injury on the head of complainant has been found to be simple, constituting

offence punishable under Section 323 IPC.

Learned State counsel on instructions from HC Kewal Singh submits that head injury on the person of complainant was found simple in nature caused by blunt weapon and the offence punishable under Section 323 IPC is made out.

Learned counsel for the complainant has argued that injuries on the person of complainant were caused after entering into his house during night hours after breaking the door, as such, the offence is quite serious in nature and the petitioner is not entitled for anticipatory bail.

While declining the earlier bail application of the petitioner, it was observed as follows:

“Perusal of FIR shows that petitioner has been attributed head injury on the person of complainant while allegations against Mandeep Singh and Maghar Singh are that they had caught hold the complainant”.

Keeping in view the fact that injury attributed to petitioner on the head on complainant has been declared simple in nature and the matter is still under investigation, I am of the view that custodial interrogation of petitioner is no more required, as such, this petition is allowed. The petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on anticipatory bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him. In

the event of petitioner not surrendering before the investigating officer within two weeks, this order allowing him anticipatory bail shall stand withdrawn automatically.

March 07, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>