

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

CRM-M-6814-2019 (O&M)

Date of Decision:-26.2.2019

Raj Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

Petitioner seeks grant of anticipatory bail in a case registered vide FIR No.54 dated 9.6.2018 under Sections 307, 326, 324, 325, 148 and 149 IPC at Police Station Kamboj, District Amritsar.

The FIR was lodged at the instance of Major Singh wherein it has been alleged that the petitioner had inflicted a blow with a *kirch* in the stomach of the complainant and when the complainant's nephew Rajkiranjit Singh came forward to rescue him then Raj Kumar gave a blow on the stomach of his nephew as well. Raj Kumar is alleged to have given another blow on the left side of stomach of the complainant.

The learned counsel for the petitioner has submitted that in fact the genesis of occurrence has been suppressed inasmuch as the petitioner himself was caused as many as 7 injuries and since the occurrence in

question had taken place in the shops in possession of the petitioner, therefore, it is evident that it is the complainant who was the aggressor.

Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and the allegations regarding inflicting injuries to the complainant is duly established from the MLR in respect of the complainant, no case for grant of anticipatory bail is made out.

I have considered rival submissions addressed before this Court. A perusal of judgment dated 23.5.2014 (Annexure P-2) passed by Civil Judge (Junior Division) Amritsar shows that Karnail Singh, uncle of the complainant, had filed a civil suit against the petitioner Raj Kumar seeking permanent injunction to restrain defendant from causing any damage to the shops and also from selling or alienating the said shops in any manner. The said suit was dismissed wherein while holding that the plaintiff had been unable to establish his entitlement over the suit property, it is further observed that the plaintiff has not even been able to show his possession over the suit property.

The learned counsel for the petitioner has informed that appeal filed against the said judgment/decree already stands dismissed and as per his information, no RSA has been filed.

Coupled with the aforestated position, I find that it is a case where the petitioner sustained as many as 7 injuries and thus it would certainly be debatable as to who was the aggressor.

In view of the aforesaid position, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. Accordingly, the present

petition is accepted. In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

26.2.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No