

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7357-2019 (O&M)
Date of Decision:- 25.2.2019

Sandeep Kumar @ Sanjay

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Kumar Bawa, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Sandeep Kumar @ Sanjay seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.249, dated 28.12.2018, registered at Police Station City Phagwara, District Kapurthala, under Sections 324, 342, 34 IPC.
2. The FIR was lodged at the instance of Prince wherein it has been alleged that on the day of occurrence Sandeep Kumar @ Sanju, Sunil Kumar @ Sheela and Babba came to his house in inebriated condition and who were having a bottle of liquor and told him that they want to have a drink in complainant's house. Upon refusal of the complainant for granting them permission to have liquor in his house, he was attacked by the aforesaid three accused. It is alleged that Sunil Kumar @ Sheela gave a blow with 'punch' on complainant's head. Petitioner Sandeep Kumar @ Snjay is stated to have given a blow with 'datar' on

the head of the complainant. He is also stated to have given a blow with 'kara' on the head of the complainant.

3. Learned counsel for the petitioner has submitted that none of the injuries allegedly sustained by the complainant is grievous, as all the 5 injuries have been declared as simple injuries.
4. Opposing the petition, learned State counsel has submitted that in view of the fact that the petitioner is specifically named in the FIR and recovery of the weapons used for commission of offence is yet to be made, no case for grant of bail is made out.
5. Having regard to the facts and circumstances of the case and bearing in mind the nature of injuries which are stated to be simple in nature, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such is accepted. In the event of arrest, the petitioner be released on 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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

February 25, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No