

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 7815 of 2019
Date of Decision: 17.12.2019

Rohit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. T.P.S.Makkar, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. R.K.Dadwal, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No. 23 dated 28.2.2018, registered under Sections 323, 324, 452, 427, 506, 34 IPC (offences under Sections 307 and 326 IPC were added later on), Police Station Mehtiana, District Hoshiarpur.

During the pendency of the case before the trial Court, an application under Section 319 Cr.P.C. was filed and the petitioner was summoned to face the trial in the said case.

Vide order dated 21.2.2019, the petitioner was directed to appear before the trial Court and the trial Court was directed to release him on interim bail subject to his furnishing bail bonds and surety bonds to its satisfaction.

Learned counsel for the petitioner states that pursuant to the order dated 21.2.2019 passed by this Court, the petitioner has joined the investigation.

Learned State counsel submits that the petitioner has joined investigation.

In view of the above facts, but without commenting on the merits of the case, the order dated 21.2.2019 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

On 15.11.2019, Deputy Superintendent of Police was directed to file an affidavit with reference to the order passed by the Coordinate Bench dated 16.5.2019 vide which it was observed that the second accused i.e. petitioner Rohit was alleged to have been carrying a *datar* and was stated to have inflicted an injury with the same on the left hand of the complainant but even then the investigating officer found Rohit to be innocent and kept him in column No. 2.

Pursuant to the order dated 15.11.2019 Satinder Kumar, Deputy Superintendent of Police, Sub Division Hoshiarpur is present in Court and has filed his affidavit which is taken on record.

It has been pointed out by the learned State counsel that though the injury was declared grievous in nature yet the possibility of the injury being self-inflicted or having been caused by a friendly hand cannot be ruled out and that was the only reason with the then DSP that he had declared the petitioner to be innocent.

Learned counsel for the complainant states that the injury was inflicted by the petitioner on the person of the complainant and it cannot be said that it is a self-inflicted injury or an injury caused by a friendly hand. He prays that a proper enquiry may be conducted in this case.

Let the Senior Superintendent of Police concerned look into the

matter and depute some senior officer to conduct an enquiry and send the report to the Registry of this Court within two months. The said enquiry should not affect the trial pending before the Judicial Magistrate.

The petition stands disposed of.

(HARNARESH SINGH GILL)
JUDGE

December 17, 2019
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No