

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

**CRM-M-20901-2019
Date of decision: 29.05.2019**

Hanish Kumar @ Avineesh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Munish Puri, Advocate
for the petitioner.

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

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 113 dated 02.09.2018, registered under Sections 325, 323, 427, 341, 506, 148 and 149 of the IPC (Section 308 IPC added later on) at Police Station Division No. 2, Pathankot.

The operative part of the order dated 15.05.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, no specific injury is attributed to the petitioner and the allegations are against Sunny as when Shiva, cousin of the complainant, asked him (Sunny) as to why he is staring at him, Sunny gave two datar blows to him, out of which, one blow hit on his left eye. Thereafter, co-accused Babbu also caused injuries to complainant Vijay Kumar. Learned State counsel, on instructions from ASI Ram Lal, submits that though there is no direct allegation against the petitioner, however, in the incident, victim Shiva has lost the vision of his left eye.

In reply, learned counsel for the petitioner submits that petitioner is ready to hand over a sum of Rs. 25,000/- to victim Shiva as compensation, without prejudice to his right to defence during trial. List again on 29.05.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.05.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation. It is also submitted that the petitioner has handed over a sum of Rs. 25,000/- to victim Shiva.

Learned counsel for the State, on instructions from ASI Ramesh Kumar, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 15.05.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

29.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No