

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

CRM-M-53347-2018 (O&M)

Date of Decision:- 20.3.2019

Kamaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Kumar, Advocate, for
Mr. Simranjit Singh, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.0055, dated 28.8.2018, registered at Police Station Hajipur, District Hoshiarpur, under Sections 323, 324, 341, 148, 149, 120-B, 365 and 511 of Indian Penal Code, 1860 (Section 326 IPC was added later on).
2. The FIR was lodged at the instance of Ravinder Singh @ Prince @ Goli, wherein it has been alleged that on 24.8.2018 when he alongwith Karan was going on a motorcycle, then he was stopped by Gobind Rai @ Goldy @ Don who asked him for his motorcycle but he refused to hand over the motorcycle, upon which the said Gobind Rai @ Goldy @ Don gave a blow with 'kirch' on the nose of the complainant but the same hit on his fingers of the right hand. It is

further alleged that subsequently when the complainant was going to hospital to get his injury treated and also to get medicines for his mother alongwith Mohit, then they were way laid by the accused and that Talu gave a blow with 'datar' on the back side of his head and gave another blow hitting him on his left leg. Billu is stated to have given a blow with 'datar' on the right leg of the complainant. Arjun @ Jolden is stated to have given a blow with 'gandasi' on the left leg of the complainant, while Billu is stated to have given another blow with 'datar' on the right arm of the complainant. It is also alleged that Shammi also caused an injury with 'datar' on the right leg of the complainant, while Honey Kaushal and his brother Money gave beatings to his mother and thereafter the accused took away Mohit in their Tavera car. It is alleged that the aforesaid accused were also accompanied by Manjeet Singh and the present petitioner Kamaljit Singh.

3. The learned counsel for the petitioner has submitted that although he has been named in the FIR but no injury is attributed to him and that although the allegations pertaining to kidnapping of one Mohit have been levelled but as per the case of the police itself he was recovered on the same day itself necessarily indicating that false allegations have been levelled in respect of the alleged kidnapping of Mohit.
4. On the other hand, the learned State counsel while opposing the petition has submitted that as many as seven injuries with sharp edged weapons were found to be existing on the complainant out of which one injury on the left leg has been declared as a 'grievous

injury'. It has further been submitted that the mother of the complainant was also found to be sustaining two injuries.

5. As regards the alleged kidnapping of Mohit, it has been informed by the learned State counsel that he was infact released by the accused on the day of occurrence itself. It is not disputed that the co-accused Manjeet Singh, to whom identical role had been attributed has already been granted bail by this Court vide order dated 22.11.2018. The petitioner is stated to have joined investigation.
6. Having considered the aforesaid submissions and bearing in mind the fact that the petitioner is not attributed any injury and is not even stated to be armed with any weapon and has already joined investigation, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and interim directions issued vide order dated 3.12.2018 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. The present petition stands accepted accordingly.
8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

March 20, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No