

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

**Crl. Misc. No.M-28811 of 2019 (O&M)
Date of Decision: July 19, 2019**

Munish Kumar @ Ranja

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Avtar Singh Bhatti, Advocate
for the petitioner (s).

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

Mr. Ritesh Pandey, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.64 dated 16.05.2019 registered for the offences punishable under Sections 323, 324, 148 read with Section 149 of Indian Penal Code (for short-IPC) and Section 326 IPC (added later on), at Police Station Dinanagar, District Gurdaspur.

Heard.

Learned State counsel on instructions from ASI Ramesh Kumar submits that as per the allegations against the petitioner, he was armed with a 'baseball' and had caused injuries on the right shoulder, right back side and right wrist of complainant Deepak Thakur. However, all these injuries were declared simple.

Learned counsel for the petitioner submits that petitioner has

already joined the investigation and the recovery of 'baseball' has been effected from his possession.

Learned counsel for the complainant has argued that in all 13 injuries were caused to the complainant on various parts of the body, out of which one injury is of partial amputation of left ankle. All the persons named in the FIR have caused the injuries under common intention after making unlawful assembly.

Keeping in view the facts that the petitioner had earlier joined investigation; recovery of weapon i.e. 'baseball' has been effected and injuries attributed to him were declared simple in nature but without expressing any opinion on the merits of the case, this petition is allowed. Petitioner Munish Kumar @ Ranja is again directed to appear before the Investigating Officer within two weeks. In the event of his arrest being required, he shall be released on anticipatory bail, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of bail allowed to him.

It is, however, made clear that in the event of petitioner not surrendering before the Investigating Officer within two weeks, the order allowing bail to him shall stand withdrawn automatically.

July 19, 2019

Sachin M.

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No