

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30652-2019(O&M)

Date of Order:20.08.2019

Upwinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.P.S.Ahluwalia, Advocate,
for the petitioner.

Mr. SPS Tinna, Addl. A.G.,Punjab

Mr. Lalit Pathak, Advocate,
for the complainant.

ANIL KSHETARPAL, J(Oral)

On 22.07.2019, the following order was passed:-

“Learned counsel for the petitioner points to the medico-legal report to submit that there is not even a single injury shown with a sharp-edged weapon, the injuries on the person of the complainant seen to be two abrasions, one lacerated wound and one complaint of a pain in the scapular region, the petitioner on the other hand having been attributed with two injuries with a 'Kirch', as per version of the complainant in the FIR.

Other than that, Mr. Ahluwalia submits that the fist blow injury attributed to the petitioner on the face of the uncle of the complainant, being a simple injury and a non-cognizable offence, the attribution of a 'Kirch' blow has been added is only so as to bring the complaint within the purview of being a cognizable offence and therefore the entire version of the complainant being obviously false (looking at the attribution alleged and the injury actually received), the petitioner is entitled to the concession of bail.

Notice of motion.

On the asking of the Court, Mr. A.P.S. Gill, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the petition be handed over to learned State counsel during the course of the day.

Mr. Lalit Pathak, Advocate, appears on behalf of the complainant and has filed in Court today a 'Vakalatnama' which is taken on record.

Though he submits that the petitioner does not have good antecedents, there being another FIR having been registered against him, (and many others registered against his co-accused), and therefore the petitioner does not deserve the concession of anticipatory bail, he would address arguments in terms of what has been contended by learned counsel for the petitioner as above.

Adjourned to 08.08.2019.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438(2) Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation."

Learned State counsel, on instructions from ASI Labh Singh, has submitted that the petitioner in this case has already joined the investigation, cooperated and not required for further custodial interrogation, at this stage.

In view thereof, interim order dated 22.07.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

August 20, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No