

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

**CRM-M No. 38244 of 2019
Date of Decision:-18.09.2019**

Sukhwinder Singh @ Sukha and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Parteek Pandit, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioners- Sukhwinder Singh @ Sukha and Jasbir Singh @ Hoshi have filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 188 dated 17.6.2018, under Sections 323, 324, 326, 148 and 149 IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala.

The FIR was registered on the statement of complainant Bharpur Singh with the allegations that on 24.5.2018, accused Kala Singh, Lakha Singh, Shinda Singh, Pamma, Sukha Singh (petitioner No.1) and Hoshi (petitioner No.2) alongwith their respective weapons caused injuries to him and after raising alarm he was rescued by Sarabjit Singh and passerby.

Learned counsel for the petitioner contends that the FIR was lodged after a delay of more than three weeks from the date of occurrence and the injury attributed to petitioner No.2 is simple in nature, whereas no injury is attributed to petitioner No.1. According to him the injury, which attracted the offence punishable under Section 326 IPC was caused by accused Kala Singh, who is in custody.

On the other hand, learned State counsel, who is assisted by ASI Ashok Kumar opposed the prayer. However, it is not disputed that the FIR was lodged after a delay of about three weeks and the person, who has caused the grievous injury, is already in custody.

Considering the above, without commenting anything on merits of the case, the petition is allowed. In the event of arrest, the petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

September 18, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No