

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

**CRM-M No. 41752 of 2019
Date of Decision:-30.09.2019**

Kulwant

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. L.M. Gulati, Advocate
for the petitioner.

MANOJ BAJAJ J.(Oral)

Petitioner-Kulwant has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 87 dated 25.5.2019, under Section 326 IPC read with Section 34 IPC, registered at Police Station Gharinda, District Amritsar.

Notice of motion.

Mr. Vaibhav Narang, Advocate has put in appearance on behalf of complainant.

On asking of the Court, Mr. Balbir Singh Sewak, Addl. A.G., Punjab accepts notice on behalf of State. ASI Major Singh is also present to assist the State counsel as there is another matter arising out of the same FIR, filed by co-accused is fixed for hearing today.

The FIR was lodged at the instance of complainant Sukhdev

Singh on the allegations that on 16.3.2019 at around 09.00 pm when he had gone to dera of Navraj Singh for fetching milk for children and returning back, then in the way Basarke Gilla to Chhehratta Sahib road around 100 meters ahead, accused Kulwant Singh (petitioner) alongwith Joga Singh and Harpreet Singh, brother-in-law (Jija) were standing and after giving lalkara petitioner Kulwant Singh gave a blow with the Takua which he was holding in his hand, which landed on the left side of his forehead and head. When the complainant raised alarm, his wife attracts to the scene of occurrence and thereafter the accused persons also caused injuries to the complainant. Thereafter, wife of the complainant arranged for a vehicle and got the complainant admitted in hospital.

Learned counsel for the petitioner contends that the occurrence took place on 16.3.2019 and the FIR was lodged after a long delay of more than two months i.e. on 25.5.2019. Learned counsel further contends that the petitioner has been falsely implicated as according to him, Harpreet Singh came running and caught hold of complainant Sukhdev Singh, which is not possible as Harpreet Singh is a disabled person. It is further contended that the co-accused Joga Singh and Harpreet Singh have already been granted concession of anticipatory bail by this Court.

On the other hand, learned counsel appearing on behalf of complainant does not dispute this fact that the FIR was lodged after a long delay of more than two months. He is unable to controvert the stand of learned counsel for the petitioner that Harpreet Singh, who caught hold of the complainant was a disabled person.

Learned counsel for the complainant contends that as the matter was in the process of compromise, therefore, the FIR was not lodged by the complainant.

Learned State counsel assisted by ASI Major Singh does not dispute the above background of the case.

In view of the above, the petition is allowed and it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C.

The petition is allowed.

September 30, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No