

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

205-3

CRM-M-13550-2020

Date of decision: 19.08.2020

Harmail Singh @ Harvail Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asstt.A.G., Punjab
for the respondent-State.

Mr. M.S. Basra, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed this (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.36 dated 11.05.2020 registered under Sections 452, 326, 295, 324 and 323 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sadar Gurdaspur, District Gurdaspur.

While issuing notice of motion on 02.06.2020, Coordinate Bench of this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State counsel and learned counsel for the complainant have appeared and opposed the bail application.

I have heard learned counsel for the petitioner, learned

State counsel and learned counsel for the complainant and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. As per the allegations made in the FIR the petitioner is alleged to have given blow with datar on the elbow of Jasbir Singh which injury was found to be grievous. However, there were number of injuries caused to the petitioner which have not been explained by the complainant and the case is that of version and cross-version. The incident is alleged to have taken place on 09.05.2020 at about 11:45 A.M. and the medical examination of the injured took place at about 02:30 P.M. As per the MLR of Jagir Singh there was fresh bleeding and the injury was anaesthasised which shows that the injuries on the person of the injured were fabricated/self-inflicted. In compliance with interim anticipatory bail order dated 02.06.2020, the petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel and learned counsel for the complainant have submitted that the petitioner along with his co-accused trespassed after having made preparation to cause hurt, caused simple hurt with blunt weapon and simple and grievous hurt with sharp edged weapons to Jagir Singh and Jasbir Singh. The injury on the person of Jasbir Singh, which was declared to be grievous, is attributed to the petitioner. In view of the gravity of accusation, the petitioner does not deserve grant of anticipatory bail.

However, learned State counsel, on instructions from ASI

Kuldip Singh, has admitted that in compliance with order dated 02.06.2020 passed by this Court, the petitioner has joined the investigation and stated that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, role attributed to him, injuries on his person explained by his cross-version and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 02.06.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

19.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No