

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

CRM M-13715 of 2020 (O&M)

Date of Decision: June 02, 2020

Satnam Singh		Petitioner
	Versus	
State of Punjab		 Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. AG, Punjab.

Mr. Shivender Pal, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Sandeep Vermani, Addl. AG, Punjab, puts in appearance on behalf of the State on his own.

Petitioner Satnam Singh is accused in case bearing FIR No. 14 dated 15.05.2020 under Sections 323, 324, 506 and 34 and Section 326 (added lateron) IPC, Police Station Fatehgarh, Panjtoor, District Moga has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The present case has been got registered on the statement of one Akashdeep Singh. It is alleged that on 11.05.2020, in the evening a quarrel had taken place between the petitioner, who alongwith other persons had injured Sharanjit Singh and Jashan Preet Singh. On the same very date at 08.30 p.m., it is alleged that accused/petitioner armed with a dang alongwith some unidentified persons came and assaulted the complainant for having helped Sharanjit Singh and Jashan Preet Singh and during the melee, it is alleged that Satnam Singh has given a kapa blow on the complainant, who tried to raise his arm and the blow hit the left arm elbow and another blow which hit from reverse side hitting the complainant on the palm of the hand.

Mr. N.S. Dandiwal, learned counsel for the petitioner, *inter alia*, contends all the injuries are on the non-vital parts and that too to give impetus to the earlier incident. The complainant side has fabricated all the injuries and that there is no cause to decline the relief to the petitioner.

Mr. Sandeep Vermani, Addl. AG, Punjab, learned State counsel has strongly opposed the grant of bail on the grounds that a sharp edged weapon has been used for the commission of the offence, whereby, the injury on the elbow is shown to be grievous.

Upon hearing learned counsel for the petitioner Mr. N.S. Dandiwal, Advocate; learned State counsel Mr. Sandeep Vermani, Addl. AG, Punjab, and learned counsel for the complainant Mr. Shivender Pal, Advocate and on perusal of the records. Admittedly, it is a subsequent incident on the same very day where these allegations have come about. To the specific query of the Court, learned State counsel fairly concedes that there is no X ray report to establish that the lone injury on the elbow by the petitioner with the sharp edged weapon is grievous in nature. Thus, a debatable issue arises over the applicability of offence under Section 326 IPC. More so, the injury is on the non-vital part of the body and, thus, in the light of what has been discussed and detailed above, this Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and his joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on

bail to the satisfaction of the arresting/investing officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off, accordingly.

June 02, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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