

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14830 of 2020
Date of Decision:07.10.2020

BALJIT SINGH @ JITU

...Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. P.S. Gill, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.52 dated 17.04.2020, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur under Sections 307, 326, 325, 324, 341, 148, 149, 120-B IPC.

On 20.08.2020, this Court passed the following order :-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case FIR No.52 dated 17.04.2020, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur, under Sections 307, 326, 325, 324, 341, 148, 149 and 120-B IPC.

Learned counsel for the petitioner contends that injury No.7 on the lower part of knee of left leg of complainant allegedly caused with rod i.e. blunt weapon, has been attributed to the petitioner. Even Dr. Ajit Pal Singh Bharaj has declared the said injury as grievous in nature. He further points out that even as per the status report, injury No.7 caused with blunt weapon has been declared grievous in nature, which falls within the ambit of Section 325 IPC. Moreover, co-accused, Mani and Kishan, have already been granted pre-arrest bail, vide orders dated 05.06.2020 passed in CRM-M-14147-2020 and dated 13.08.2020 passed in CRM-M-17200-2020.

On the other hand, learned State counsel does not dispute the fact that injury attributed to the petitioner falls within the ambit of Section 325 IPC and challan has been presented against other co-accused.

Learned counsel for the complainant submits that the impact of blow was such that both bones of left leg of complainant were crushed and during surgery, 14 screws/plates were affixed on the fractured bones. Thus, the criminal culpability on the part of the petitioner is clearly established.

The injury attributed to the petitioner is with a rod, a blunt weapon. Even as per the opinion of the doctor, the said injury is grievous in nature. Challan has been presented against the other co-accused.

Adjourned to 07.10.2020.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner states that pursuant to the order dated 20.08.2020 passed by this Court, the petitioner has joined the

investigation.

Learned State counsel on instructions from ASI Rashwinder Pal Singh states that the petitioner has joined the investigation and he is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 20.08.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

October 07, 2020

Jyoti-IT Whether speaking/reasoned Yes/No Whether Reportable Yes/No