

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16103-2020

Date of Decision: 02.07.2020

Gurtej Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Devinder Singh Nigha, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.64 dated 16.10.2019 under Sections 323, 324, 452, IPC read with Section 34 IPC, 1860, registered at Police Station Sadar Kurali, District SAS Nagar, Mohali Punjab. He apprehended his arrest at the hands of Police in the above said FIR.

The FIR was registered on the statement of complainant Chokha Ram, wherein it was stated that he did his three years degree from Chandigarh University, Gharuan and at that time, he was living in a rented room at Ghataur, Police Station Sadar Kurali, District SAS Nagar. Gagandeep Singh and Mukesh Arya were his room mates. On 14.10.2019 at about 2:30 p.m., when the complainant was alone in his room, two known boys of Mukesh along with a girl came there and insisted to stay in his room, but he refused. On that, all three abused him and went from there. Complainant informed Mukesh and he talked with them on mobile. At

about 9:12 p.m., the above said two boys accompanied by one more boy came there. A boy, namely, Teji was armed with sickle (daat) and other two boys were empty handed. Teji asked the complainant that he wanted to talk with him as during noon, he did not allow them to enter his room. In the meantime, Teji gave a fist blow on the face of complainant. They both fell on the ground, whereupon, other two boys started giving beatings to complainant. Teji tried to hit sickle (daat) on the head of complainant. Complainant caught hold of daat with his left hand. Teji pulled the weapon, whereupon, two left hand fingers of complainant got injured. Teji again gave two daat blows on the right side of the head of complainant. During scuffle, Mukesh Kumar along with his friend reached on the spot, seeing that all the three assailants fled away. On these broad allegations, the above said FIR was registered.

Learned counsel for the petitioner contends that petitioner Gurtej Singh was allegedly identified by Mukesh Kumar, who was not at the spot when the alleged occurrence took place. It is pointed out that the injuries allegedly caused by the petitioner were simple in nature and, therefore, the custodial interrogation of the petitioner may not be necessary. He prays that the petitioner be granted the concession of anticipatory bail.

On the other hand, the learned State counsel assisted by ASI Rachhpal Singh, has opposed the prayer on the ground that the petitioner was armed with a datar and caused injuries to Chokha Singh along with his co-accused Kulwinder Singh, who was empty handed. It is also not disputed by the learned State counsel that the petitioner is not involved in any other case and the injuries caused were simple in nature.

Considering the above background, the petition is allowed and

in the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner 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.

02.07.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No