

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

**CRM-M No.17087 of 2020
Date of decision:01.07.2020**

Jaswinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant petition, the petitioner seeks anticipatory bail in FIR No.64 dated 29.05.2020 under Sections 326, 324, 323, 34 IPC (Section 326 IPC added later on) registered at P.S. Sekhwan, District Gurdaspur, Punjab.

Counsel for the petitioner has submitted that two injuries are attributed to the petitioner. First injury is a dattar blow on the head of the complainant which was declared to be simple injury. The second injury attributed to the petitioner is a dattar blow on the back side of the right arm of the complainant. This injury was declared to be grievous in nature as a result of which Section 326 IPC was added. Counsel further submits that the petitioner was granted interim anticipatory bail by the Sessions Court vide order dated 12.06.2020 (Annexure P-5) and he joined the investigation and the recovery was also effected from him. He has

referred to order dated 16.06.2020 (Annexure P-6) passed by the Sessions Court, wherein this fact has been duly recorded. His application for anticipatory bail was dismissed on the sole ground that the second injury which is attributed to the complainant has been declared to be grievous.

Notice of motion.

On the asking of the Court, Mr. Luvinder Sofat, Asstt. A.G. Punjab accepts notice on behalf of the State. Copy of the petition has already been supplied to him.

On instructions of S.I. Ranjit Singh, learned State counsel submits that he has specific instructions to say that the petitioner is not required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. The petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

It is clarified that any observation made herein above shall not be construed as an expression of opinion on the merits of the case. If the petitioner does not join the investigation then it will be open to the State to file an application to recall the order.

01.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No