

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM M-17618 of 2020 (O&M)
Date of Decision: July 09, 2020**

BhauPetitioner
Versus
State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Ms. Harmeet Kaur, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

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. Pawan Sharda, Sr. DAG, Punjab puts in appearance on behalf of the State on his own.

Petitioner Bhau, who is an accused in case bearing FIR No. 0062 dated 17.08.2019 under Sections 323, 324, 148 and 149 of Indian Penal Code registered at Police Station Gurdaspur, Punjab has come up in this first anticipatory bail application under Section 438 Cr.P.C.

The present FIR was got registered on the statement

of Mannu complainant on the brief allegations that on 15.08.2019 at about 08.30 p.m., complainant was called by Jatoon. Complainant went to meet Jatoon and then according to him co-accused/non/applicants Saboo and Gujjardeen empty handed, petitioner-Bhau armed with daatar, Ali armed with sword, Muradu armed with daatar, and Remu armed with hockey attacked the complainant side on the exhortation of Gujjardeen. The petitioner is attributed a single injury on the right hand of the complainant, which is opined to be grievous in nature.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated being brother-in-law of Jatoon on account of forced matrimonial alliance between the couple and that there is nothing to show that the lone injury attributed to the petitioner is grievous.

Mr. Pawan Sharda, Sr. DAG, Punjab learned State counsel has strongly opposed the bail on the grounds of heinousness of offence and seriousness of the allegations.

Appreciating the submissions of the two sides, to the specific query of the Court, learned State counsel fairly concedes that there is no X ray examination to show that the injury on the right hand of the injured was grievous in nature and which is only on ocular opinion and the same has come about very much being on non-vital parts and there being a history of

previous animosity, it is a fit case to grant bail. 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.

July 09, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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