

In the High Court of Punjab and Haryana at Chandigarh

202

CRM-M-18760-2020 (O & M)

Date of Decision: August 13, 2020

ALI AND ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Khushbir K. Bhullar, Advocate for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Ms. Sukhveer Kaur, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

Heard through video conferencing.

The petitioners are seeking anticipatory bail in FIR No. 0062 dated 17.08.2019, under Sections 323, 324, 148 and 149 of the Indian Penal Code, 1860, registered at Police Station Tibber, District Gurdaspur.

Learned counsel for the petitioners contends that the injury, which is attributed to petitioner No.1, is on the right elbow of the complainant and there is no X-ray report to indicate that it was a fracture.

This Court, by the order dated 15.07.2020, had directed petitioner No.1 to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Ranjit Singh, states that petitioner No.1 has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioners and petitioner No.1 having joined investigation, the order dated 15.07.2020 granting interim bail to petitioner No.1 is made absolute.

However, petitioner No.1 shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

Learned counsel for the petitioners contends that petitioner No.2 has been attributed an injury on the right eye-brow of the complainant but as per the medico legal report, this injury falls under Section 324 IPC. She also contends that co-accused, namely, Bhau, has been granted anticipatory bail by a Coordinate Bench of this Court by order dated 09.07.2020 passed in CRM-M No. 17618 of 2020.

Learned counsel for the complainant contends that the complainant has received several injuries. The copy of the Medico Legal Report at Annexure P-5 collly reflects five injuries to the injured-complainant.

The petitioner No.2 is alleged to have been armed with a 'datar' and he has caused an injury on the eye-brow of the complainant. The co-accused, namely Bhau who has been granted anticipatory bail, had been attributed an injury on the non-vital part of the body of the complainant. The injury attributed to petitioner No.1 is also on the non-vital part of the body of the complainant. Therefore, as petitioner No.2 had attributed an injury on the right

eye-brow of the complainant with a 'datar', he does not deserve the concession of anticipatory bail.

The petition stands dismissed qua petitioner No.2.

(ANUPINDER SINGH GREWAL)
JUDGE

August 13, 2020
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No