

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

CRM M-18666 of 2020 (O&M)

Date of Decision: July 15, 2020

Surinder JainPetitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Preetinder S. Ahluwalia, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Manjit Singh Uppal, Advocate
for the complainant.

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. Amit Mehta, Sr. DAG, Punjab puts in appearance on behalf of the State on his own.

Petitioner Surinder Jain has come up in this first anticipatory bail in case bearing FIR No. 106 dated 21.06.2020 under Sections 308, 341, 379, 506 and 34 IPC registered at

Police Station City-I Mansa, District Mansa.

The present case was got registered by injured complainant Ashok Kumar neighbour of the petitioner. Allegations are that on 18.06.2020 around 07.00 p.m. while the complainant was going on the Scooty, the accused stopped him and, thereafter, was surrounded by co-accused Devansh Jain son of the petitioner and unidentified persons. It is alleged that on the *lalkara* raised by the petitioner, accused Devansh Jain attacked the complainant by means of an iron rod whereas the petitioner is attributed an attempt to hit the complainant by means of a brick bat. All the injuries have been opined to be simple in nature.

Shri Preetinder S. Ahluwalia counsel for the petitioner *inter alia* contends that prior to the registration of the present case, the petitioner had already lodged an FIR Annexure P-3 against the present complainant and that the present case has been falsely lodged as a counter blast and that all the injuries are simple in nature contending that only *lalkara* is attributed to the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab assisted by Mr. Manjit Singh Uppal, learned counsel for the complainant has opposed the bail on the ground that there are 13 injuries to the complainant and that custodial interrogation of the petitioner is very much essential for comprehensive investigation.

Appreciating the submissions, be so as it may,

apparently, the petitioner is unarmed and no injuries attributed to him. The learned State counsel with all fairness concedes on the instructions ASI Sukhminder Singh and, thus, the applicability of offence under Section 308 IPC is a debatable issue. More so, the petitioner has already registered an FIR prior in time against the present complainant and the parties being neighbours appeared to have a history of previous dispute. In the light of this, it is a fit case to allow the 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 15, 2020
amit rana

(FATEH DEEP SINGH)
JUDGE

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