

202

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

CRM-M No. 21676 of 2020
Date of Decision: 07.09.2020

Kipi @ Kuldeep Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. H.S. Oberoi, Advocate,
for the petitioner.

Mr. R.P. Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.293 dated 13.07.2020 registered under Sections 452, 323, 324, 34 IPC at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner submits that even though the cross version was not recorded by the police, but the petitioner has already filed a representation before the Higher Police Authority. Only non-bailable offence is under Section 452 IPC and that would be debatable.

The alleged takua blow at the back of the head of the complainant was found to be a blunt injury, falling under the ambit of Section 323/324 IPC.

Vide order dated 05.08.2020, arrest of the petitioner was stayed.

Learned State counsel on instructions from ASI Bikkar Singh states that the injury at the back of the head of the complainant is simple in nature. Offence under Section 452 IPC is non-bailable.

In view of above, the petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 11.09.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from

disclosing such facts to the Court or to any
police officer;

ii) that the petitioner shall not leave the country,
without prior permission of the Court and
shall surrender his passport, if any.

September 07, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No