

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

CRM-M-24455-2020

Date of decision:08.12.2020

Kawaljit Singh

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.249 dated 01.07.2020, registered under Sections 323, 324, 326, 34 IPC, at Police Station Goindwal Sahib, District Tarn Taran.

On 26.08.2020, this Court passed the following order:-

“Case is being taken up for hearing through video conferencing.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.249 dated 01.07.2020, registered under Sections 323, 324, 326, 34 IPC, at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner states that there are three injuries on the person of the complainant, two of them are simple in nature and one injury is grievous which has been attributed to the petitioner i.e. injury on the right hand below the elbow. The FIR has been registered after a delay of six days. Learned counsel further states that the petitioner belongs to Bahujan Samaj Party and had contested elections of Vidhan Sabha/Legislative Assembly from Khadoor Sahib Constituency against the sitting MLA

and therefore, he has been falsely implicated in the present case.

Notice of motion.

At the asking of this Court, Mr. P.S.Walia, AAG, Punjab accepts notice on behalf of the respondent-State and states that a grievous injury has been attributed to the petitioner which falls under Section 326 IPC. However, learned State counsel has not disputed the fact that there is a delay of six days in lodging the FIR and the injury is on the right hand below the elbow.

Since the injuries are not on the vital parts of the body and there is a delay of six days in lodging the FIR, therefore, the petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Arresting/Investigating Officer subject to the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 08.12.2020.”

Learned counsel for the petitioner submits that pursuant to the order dated 26.08.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sukhdev Singh, submits that the petitioner has joined the investigation and is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 26.08.2020 passed by this Court granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

08.12.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No