

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

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IN VIRTUAL COURT

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**CRM No. 23109 of 2020 in/and
CRM-M No. 28012 of 2020
Date of decision : 16.9.2020**

Harduman Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Sanjiv Gupta, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

CRM No. 23109 of 2020 :

This is an application seeking permission to place on record photocopies of Annexures P-2 and P-4 and seeking exemption from filing certified copies thereof.

For the reasons mentioned in the application, the same is allowed.
Photocopies of documents Annexures P-2 and P-4 are taken on record.

CRM-M No. 28012 of 2020

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 52 dated 17.5.2020, registered under Sections 341/323/506/34 IPC (Section 307 IPC added subsequently), at Police Station Sadar, Rajpura, District Patiala.

It is contended by the counsel for the petitioner that the case against the petitioner is totally false. Otherwise also, on the same set of facts

the petitioner was earlier released on bail by the Investigating Officer because the offences were bailable in nature. But during the interrogation, the weapon of offence had already been recovered by the police. Now the doctor have opined the injury, allegedly caused by the petitioner, to be dangerous to life. However, it is not the petitioner who caused the said injury. In any case, the injury happens to be the same, weapon of offence is also the same, as were available at the time when the petitioner was earlier granted bail. No new set of facts is being alleged except to invoke more grave and non-bailable offence against the petitioner. The petitioner would join the investigation once again and would appear before the trial Court during the trial, if any. The petitioner does not deserve to be arrested again. Hence, the petitioner be protected against his arrest.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of the State.

The counsel for the State, being instructed by ASI Didar Singh, has submitted that there are specific allegations against the petitioner. In the first instance, the offence invoked against the petitioner for the said injury was only under Section 323 IPC. However, after the medical opinion, the said offence has turned out to be an offence under Section 307 IPC. Hence, Section 307 IPC also has been added in this case. Therefore, the petitioner deserves to be arrested in the newly added offence as well. However, it is not disputed that the alleged weapon of offence used for causing the injury inviting Section 307 IPC already stands recovered. It is also not disputed that except addition of

Section 307 IPC, the entire set of facts happens to be the same, which existed at the time when the petitioner was granted bail.

In view of the above facts, this Court finds that on the same set of facts, the petitioner was already granted bail. Not only this, even the weapon of offence, through which the petitioner is alleged to have caused the injury; which has invited newly added offence, already stood recovered. Therefore, no useful purpose would be served by arresting the petitioner once again.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, in case of arrest, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to his satisfaction. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

**(RAJBIR SEHRAWAT)
JUDGE**

16.9.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No