

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-31980 of 2020 (O&M)
Date of decision : October 29, 2020

Lakhwinder Sharma @ Lakhwinder Kumar

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Shakti Mehta, Advocate, for the petitioner
Mr. Jagmohan Ghuman, DAG Punjab

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Lakhwinder Sharma @ Lakhwinder Kumar has come up in this anticipatory bail application under Section 439 Cr.P.C. in case FIR No. 77 dated 16.9.2020, under Sections 324, 323 IPC (326 IPC added later on), Police Station Tallewal, District Barnala.

The case was got registered by injured Gurjant Singh alleging that on the day of occurrence i.e. 12.9.2020 while the

complainant was going for his work was stopped on the way by accused Angrej Singh @ Gejja and present petitioner Lakhwinder Sharma and verbal duel ensued and it is alleged that the petitioner who was having a sharp edged weapon caused injury on the right arm of the complainant whereas two blunt injuries on right forearm are attributed to co-accused non-applicant.

Learned counsel for the petitioner inter-alia contends that the parties have effected a compromise Annexure P/2 and that it is only on non-vital part of the body, the three injuries are attributed and has sought to debunk the claim that the injury by sharp edged weapon is grievous in nature.

The State counsel though has strongly opposed the bail but does not dispute the factual scenario.

Appreciating the submissions, it is fairly conceded at the bar by the learned State counsel that the lone injury attributed to the petitioner on the forearm had not been subjected to X-ray examination and barely on the basis of ocular opinion has come about. Moreover eye witness account does not match with MLE Report. Thus, in the light of the same and the fact that a debatable issue arises over the applicability of the offences under Section 326 IPC. Keeping in view that all the three injuries are on non vital part

and that the parties have effected a settlement impels this Court to allow the relief of anticipatory bail.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

October 29, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No