

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

CRM-M-33423-2020

Date of Decision: November 02, 2020

GURJIT SINGH @ KALA AND ANOTHER

..... PETITIONER(s)

Versus

STATE OF PUNJAB

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.196 dated 18.09.2020, under Sections 452, 323, 148, 149 IPC registered at Police Station City Kotkapura, District Faridkot (Annexure P1).

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this matter and the present is a case of version and cross-version. There is a delay of 4 days in lodging of the FIR. Injuries sustained by the complainant, it is submitted, are admittedly simple in nature and are on non-vital parts of the complainant i.e. right hand and

right elbow. Learned counsel for the petitioners submits that it is debatable whether the offence under Section 452 IPC is made out in the given facts and circumstances. The petitioners, it is submitted, are not involved in any other criminal case and undertake to cooperate in the investigation of the matter. It is thus prayed that this petition be allowed.

This matter had been adjourned on the last date of hearing by a co-ordinate Bench, to enable learned counsel for the State to verify the nature of injuries suffered by the complainant. Learned counsel for the State, on instructions from ASI Chamkaur Singh, verifies that 5 injuries suffered by the complainant are indeed simple in nature. It is further verified that the petitioners are not involved in any other criminal case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. In the event of their arrest, the petitioners shall be released on bail to the satisfaction of Investigating Officer. The petitioners shall join investigation as and when required by the Investigating Officer. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

November 02, 2020
Sunil

(LISA GILL)
JUDGE

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