

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

CRM-M-35131-2020 (O&M)

Date of decision: 05.11.2020

Ramzan Mohammad @ Bhura

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Abhinav Singla, Advocate for the petitioner.

Mr. M.S. Nagra, AAG Punjab.

Mr. Sunny Singla, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 146 dated 27.06.2020, registered under Sections 324, 323, 148, 149 IPC and Section 326 IPC added later on, at Police Station Amargarh, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case. The injury attributed to the petitioner is on the non-vital body part i.e. little finger of left hand. As per the allegations in the FIR, there is only one blow on the persons of the complainant. All the co-accused are on bail.

Learned State counsel assisted by the learned counsel for the complainant submit that the petitioner is the main accused. On the basis of MLR, Section 326 IPC was added later on. The allegation against the petitioner is that he was armed with *kahi* and tried to hit on the head of the complainant-injured but while the complainant raised his hand to save himself, he received injuries on the hand.

I have heard the learned counsel for the parties.

The injuries attributed to the petitioner, are not on the vital parts of the complainant-injured.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. 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 anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency and complainant would be liberty to move an appropriate application for cancellation of bail.

(HARNARESH SINGH GILL)
JUDGE

05.11.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No