

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

CRM-M-33803-2019 (O&M)

Date of Decision:- 17.2.2020

Jaimal Singh @ Jaimaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Balbir Singh Jaswal, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by ASI Satnam Singh.

Mr. J.S.Thind, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner Jaimal Singh @ Jaimaljit Singh has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.80 dated 21.6.2019 under Sections 323/326/34 IPC at Police Station Tarsikka, District Amritsar.
2. The FIR in question was lodged at the instance of Prabhjot wherein it has been alleged that he was attacked by the petitioner as well as Gurpartap Singh. It is alleged that Gurpartap Singh was carrying a '*gandasi*' and gave two blows with the same from its reverse side hitting the complainant on his waist and right thigh. The petitioner Jaimal Singh @ Jaimaljit Singh is alleged to have been carrying a '*kirpan*' and is alleged to have caused injuries with the same on the right leg and right arm of the complainant.
3. The learned counsel for the petitioner has submitted that he has falsely been involved in the present case and that infact it is a case where the genesis of

occurrence has been suppressed inasmuch as the accused Gurpartap Singh also sustained four injuries, out of which two have been declared as '*grievous*' injuries.

4. Opposing the petition, the learned State counsel assisted by counsel for the complainant has submitted that since the petitioner is specifically alleged to have been armed with a '*kirpan*' and one of the injuries attributed to him has been declared as a '*grievous*' injury, no special case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this Court. Without commenting on merits of the case and while noticing that it is a case where parties from both the sides have been injured and infact one of the accused Gurpartap Singh has sustained two '*grievous*' injuries, it will be debatable as to which of the party is the aggressor. The petitioner, in any case, is stated to have joined investigation. In these circumstances, custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 21.8.2019 are made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

17.2.2020

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No