

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35918-2019 (O&M)
Date of Decision:- 20.2.2020

Simranjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ranjit Singh, Advocate, for
Mr. Ritesh Pandey, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Mr. Daljeet Singh Kahlon, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.44, dated 19.4.2019, Police Station Shri Hargobindpur, District Batala, under Sections 326, 324, 323, 120-B IPC.
2. The FIR in question was lodged at the instance of Arshdeep Singh wherein it has been alleged that on 15.4.2019 when he along with his elder sister was returning back home from school then they were attacked by the accused. Simranjit Singh-petitioner is alleged to have given a blow with '*datar*' hitting above his right eye. He is

alleged to have caused another injury with the '*datar*' on the right elbow of the complainant. Co-accused Harpreet Singh is stated to have given a blow with 'baseball bat' on the left elbow of the complainant. Kashmir Singh is stated to have given a blow with 'iron rod' on the left knee of the complainant. Lakha Singh is stated to have inflicted injury with a 'stick' on the right foot of the complainant. It is further alleged that when the complainant's sister Amritpal Kaur came forward to rescue the complainant, then Harpreet Singh inflicted injury upon her left thigh with a 'baseball bat'. Even Kashmir Singh is stated to have given a blow with the 'iron rod' on the right shoulder of the complainant's sister.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact it is a case where genesis of occurrence has been suppressed inasmuch as even the petitioner had sustained as many as 5 injuries including one injury on the head and a 'grievous injury' on the leg.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioner was armed with a '*datar*' and is attributed injuries and that three of the injuries found on the person of the complainant had been declared 'grievous injuries', no case for grant of bail is made out. It has further been submitted that the alleged cross-version was inquired into and was found to be false and the injuries were reported to be self-suffered.

5. I have considered rival submissions addressed before this Court. Keeping in view the fact that it is a case where even the petitioner had sustained as many as 5 injuries and he was got examined on the day of occurrence from a Government Hospital and one of the injury was found on his head and another injury on his leg has been declared a 'grievous injury', it will certainly be debatable as to whether the said injuries were caused in self-defence or as to whether the same were self-suffered or as to whether it is the other party which is the aggressor. In any case since the petitioner is stated to have joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and interim directions issued vide order dated 30.8.2019 are made absolute subject to the condition that the petitioner shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

February 20, 2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No