

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

**CRM-M No.42792 of 2020
Date of Decision : 18.12.2020**

Jorawar Singh Gill

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Bhupinder K. Gupta, Advocate
for the Petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This is a Petition for Anticipatory Bail under Section 438 Cr.P.C. filed on behalf of the Petitioner in FIR No.118, dated 01.06.2019, under Sections 323, 325, 326, 341, 506, 148 and 149 of the IPC, registered at Police Station Tanda, District Hoshiarpur.

2. Notice of motion.

3. Mr. B.S. Sewak, Addl. Advocate General, Punjab to accept notice on behalf of the Respondent/State. A copy of Paper-book be handed over to him.

4. Ld. State Counsel concedes that the injury imputed to the Petitioner, who allegedly had attacked the Complainant with a *datar* below the right knee was found to be simple in nature.

5. It transpires that the injuries were suffered by both side victims in the FIR as well as in the counter version.

6. The principal accused namely Sandeep Saini had already been granted Anticipatory Bail by this Court vide a detailed order passed on 10th August, 2020 in CRM-M No.21581 of 2020.

7. Ld. Counsel for the Petitioner further draws attention of the Court to the inordinate delay of 42 days in lodging the present FIR by the

Complainant. From the vernacular of the FIR (Annexure P-1), it is seen that the occurrence of 20.04.2019 was reported after 6 weeks on 01.06.2019 and in spite of the alleged occurrence having taken place on 20.04.2019, the complainant did not get his statement recorded on two occasions i.e. on 27.04.2019 and thereafter on 04.05.2019, even though on each of those dates, he had been declared fit by the Doctor for giving his statement.

8. Considering the circumstances noted above and the fact that a Complaint had already been moved against the Complainant on 18.04.2019, i.e. prior to the date of occurrence in which the co-accused Amandeep Singh had expressed apprehension of being harmed by the Complainant and his associates, this Court is of the opinion that the Petitioner deserves the relief of Anticipatory Bail in the present case, which relief has already been granted to the Complainant in the cross-version.

9. As such, the Petitioner's prayer for Anticipatory Bail is allowed and he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. However, he shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

10. Disposed off.

December 18, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No