

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

209

**CRM-M No. 44426 of 2019
Date of Decision: 22.1.2020**

GURBINDER SINGH @ GURWINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Vikas Gupta Advocate
for the petitioner.

Mr.J.S.Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No. 105 dated 12.9.2019 under Sections 452/ 323/ 506/ 34 IPC and Section 326 IPC (added later on) registered at Police Station Jhabal District Taran Taran.

Learned counsel for the petitioner states that the petitioner was unarmed and only simple injury has been attributed to him. Petitioner is not the author of the injury, which ultimately resulted in loss of hearing to injured Gurbir Singh. MLR of Gurbir Singh has been prepared by private hospital.

While issuing notice of motion on 30.10.2019,

following order was passed:-

“ The petitioner is seeking anticipatory bail in FIR No. 105 dated 12.09.2019, under Sections 452, 323, 506, 34 and 326 of the Indian Penal Code, 1860, registered at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner was unarmed and only simple injuries are attributed to him. He also contends that Section 326 IPC has been invoked as it is alleged that there is loss of hearing to injured Gurbir Singh. He also contends that the petitioner is not alleged to have caused any injury to Gurbir Singh. He also contends that there is no MLR of Gurbir Singh.

Issue notice to the respondent returnable on 29.11.2019.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner states that in

compliance of the aforesaid order, petitioner has already appeared before the Investigating Officer and he has been admitted to interim bail.

The aforesaid fact has not been denied by learned State counsel, on instructions from ASI Karamjit Singh. However, learned State counsel states that the injury qua offence under Section 326 IPC is attributed to the petitioner.

Petitioner has joined the investigation and as per learned State counsel, petitioner is not required in any further investigation of the case, therefore, it would be appropriate to confirm the order dated 30.10.2019.

Accordingly, the interim order dated 30.10.2019 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of accordingly.

January 22, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

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