

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

(201)

CRM-M-18889-2021.
Date of Decision:-03.11.2021.

Sarabjit Singh @ Kaka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.
(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.114 dated 18.07.2020 under Sections 323, 324, 325, 326, 148 and 149 of IPC, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdarapur.

On 20.05.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.114 dated 18.07.2020 registered under Sections 323, 324, 325, 326, 148 and 149 of

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the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner is alleged to have caused injuries with datar from sharp edge side on the left wrist and on the back of the neck of the complainant and on right and left sides of his back from the blunt side. None of the injuries can be said to be grievous within the meaning of Section 320 of the IPC. Offence under Section 326 of the IPC is not made out. The petitioner is ready to join the investigation and his custodial interrogation will not be necessary in the case.

Notice of motion.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. A.G. Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 28.05.2021.”

After the reply was filed by the State, on 28.05.2021, Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

Reply by way of affidavit of Kanwalpreet Singh, PPS, Deputy Superintendent of Police, Sub Division Dera Baba

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Nanak, Police District Batala on behalf of respondent-State has been filed through e-mail print out of which is taken on record. Copy of the same be supplied to learned Counsel for the petitioner.

On request, case is adjourned to 25.08.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/ investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sukhdev Singh, has also reiterated the fact that the petitioner has joined the investigation.

Keeping in view the above facts and circumstances, moreso, the fact that none of the injuries which have been attributed to the petitioner can be stated to be grievous in nature within the meaning of Section 320 of IPC and also the fact that the petitioner has joined the investigation, the present petition for anticipatory bail is allowed and the interim order dated 28.05.2021 is made absolute.

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However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 03, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No