

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23081 of 2021 (O&M)
Date of Decision: 30.06.2021

Opinder Kumar

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 0045 dated 30.3.2021, under Sections 323, 307, 148, 149 and 341 IPC, registered at Police Station Division No. 6, Jalandhar.

The FIR was registered on the statement of Jaskaran. As per the facts narrated, on 27.3.2021, near Anand Vidyalaya, the motor cycle of the complainant struck with another motor cycle. The people from the locality gathered. One Ravi claimed himself to be Pardhan. Petitioner-Opinder Kumar who was previously known to the complainant was also there. *Lalkara* was raised by Ravi and he gave an iron rod blow on the head of the complainant. The complainant saved himself by entering in a kothi. He was taken to Civil Hospital.

Learned counsel for the petitioner submits that the injury for which Section 307 IPC is invoked is attributed to Ravi. No injury or specific role is alleged against the petitioner.

Learned counsel for the State, appearing on advance notice, on instructions from ASI-Jagdish Singh opposes the grant of pre-arrest bail but

is not in a position to pin point any injury or specific role attributed to the petitioner. She further submits that main accused-Ravi is in custody.

The occurrence was due to a road accident. Ravi raised a *lalkara* and gave an iron rod blow on the head of the complainant. The petitioner was present on the spot. There are general allegations that all other accused gave beatings to the complainant. No specific role is attributed to the petitioner. As per medico-legal report, there is only one injury on the complainant.

Considering the facts in totality, the petitioner is granted anticipatory bail subject to his joining investigation within two weeks. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for recalling of this order.

[AVNEESH JHINGAN]
JUDGE

30th June, 2021
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1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes