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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 23042 of 2021 (O&M)
Decided on: 10.08.2021

Palwinder Singh @ Kalu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

Mr. Sukhdeep Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.58 dated 29.04.2021, registered under Sections 307, 323, 325, 341,
34 IPC at Police Station Sadar Rajpura, District Patiala.

The operative part of the order dated 15.06.2021, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“...It is the contention of learned counsel for the
petitioner that the two injuries which are attributed to the
petitioner are by a sotta on left and right arms of the
complainant, which are found to be fracture injury.
Counsel contends that there is no injury which is
attributable to the petitioner, which could be said to be
one under Section 307 IPC. Petitioner is ready and willing
to join investigation and cooperate with the same and even*

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get the alleged weapon of offence i.e. sotta recovered.

Notice of motion.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab, accepts notice on behalf of the State and Mr. A.D.S. Sukhija, Advocate, Advocate accepts notice on behalf of the complainant.

Learned counsel for the State as well as the counsel for the complainant oppose the prayer made by the petitioner by asserting that the complainant is 72 years old ex-serviceman. While getting together and attacking the complainant, the very intention was to kill the complainant, it is rather fortunate that he survived. Offence under Section 307 IPC has been found to have been committed and, therefore, the petitioner is not entitled to the benefit of concession of anticipatory bail, as prayed for.

Having considered the submissions made by the counsel for the parties and keeping in view the role attributed to the petitioner as also the weapon, which is alleged to have been used in the commission of the said offence, the prayer of the petitioner is accepted.

Petitioner is directed to join the investigation on 21.06.2021 at 10:00 AM at Police Station Sadar Rajpura, District Patiala, and on his doing so, he be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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. Petitioner shall also get recovered the alleged weapon of offence.

List for consideration on 10.08.2021....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 15.06.2021, the petitioner has appeared before the

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Investigating Officer and has joined the investigation.

Counsel for the State assisted by counsel for the complainant and on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 15.06.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

10.08.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No