

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-23483 of 2021
Date of Decision:29.06.2021

Jaswant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Avtar Singh Khinda, Advocate,
for the petitioner.

Mr. I.P.S. Kohli, Advocate,
for the complainant.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.142, dated 29.05.2021, having been registered at Police Station Sultanpur Lodhi, District Kapurthala, alleging therein the commission of offences punishable under Sections 307, 323, 324, 452, 148 and 149 of the IPC (with Section 326 added subsequently).

Learned counsel for the petitioner submits that the petitioner has only been attributed a stick blow on the back of the complainant though there are other serious injuries attributed to other co-accused of the petitioner, and that in fact the

petitioner was the one who tried to stop the fight, which may be seen from the CCTV footage, with him not armed with any kind of weapon (not even a stick, as per learned counsel).

He next submits that to the alleged occurrence there is also a cross-version recorded, as has been noticed in the last order passed by this court (a co-ordinate Bench).

Learned counsel for the complainant on the other hand submits that the petitioner having been attributed a specific injury and the MLR actually shows that there was a complaint of pain in the hips qua the injury attributed to the petitioner, he does not deserve the concession of anticipatory bail.

Learned State counsel reiterates the same.

Having considered the matter, looking at the fact that even the computerized copy of the MLR has been supplied alongwith the paperbook (though not as an annexure thereto), shows that though definitely pain in the hips has been referred to, however it has also been specifically written that there was no visible redness, bleeding or swelling in either hip (though an x-ray had been advised).

Upon query to learned counsel for the complainant as to whether the x-ray has revealed any injury, he fairly submits that other than the pain in the hip no other injury was found, but he reiterates that the stick blow was given.

Considering the above, without making any comment on the actual merits of the case, the petition is allowed. The petitioner is directed to join investigation within one week. Upon him so joining, if he is sought to be arrested, he shall be released on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate.

He shall also comply with all conditions stipulated in Section 438(2)

of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

The petition stands disposed of as above.

June 29, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No