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

**CRM-M No.26162 of 2021
Date of Decision:06.08.2021**

GURPREET SINGH @ GOPI

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. P.S Sekhon, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl, A.G Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing DDR No.42 dated 01.12.2018 registered under Sections 307, 341, 336, 323, 148, 149 IPC and Sections 25, 27 of Arms Act (later on Sections 307 IPC and 25, 27 of Arms Act deleted and Sections 326, 325, 324 IPC added) Vide DDR No.40 dated 25.03.2019 in case FIR No.191 dated 01.12.2018 under Sections 307, 341, 336, 323, 148, 149 IPC and 25, 27 of Arms Act at Police Station Dharamkot District Moga.

Notice of motion was issued on 09.07.2021 by passing the following order:-

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

Learned counsel for the petitioner contends that as per allegations in DDR, petitioner Gurpreet Singh alias Gopi was

armed with dah and inflicted reverse side blow of dah on the left arm of the complainant sukhwinder Singh alias Happy.

As per MLR of Sukhwinder Singh alias Happy, injury No.1 is lacerated wound 1x1 cm on medial aspect of left forearm below olecranon. FB present, deep tenderness and swelling present, advised x-ray and ortho opinion.

As per opinion given by Board of Doctors in respect of injuries received by Sukhwinder Singh, injuries No.1 to 3 and 4 are found to be grievous in nature. Injury No.5 is simple. Injury No.1 to 3 have been caused with blunt weapons.

Learned counsel for the petitioner with reference to aforesaid material submits that injury No.1, though grievous in nature but has been caused with a blunt weapon, therefore offence under Section 325 IPC would be attracted which is bailable in nature.

Notice of motion for 06.08.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 16.07.2021 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on the merits on the adjourned date.

Learned counsel for the petitioner submits that offence under Section 307 IPC stands deleted and the Injury No.1 is found to be grievous in nature, which has been caused by blunt weapon, therefore, the same falls under the ambit of Section 325 IPC which is bailable in nature.

Learned State counsel on instructions from SI Major Singh submits that the petitioner has joined the investigation on 14.07.2021 to the satisfaction of the Investigating Officer and

custodial interrogation of the petitioner is no more required in further investigation of the case.

In view of aforesaid factual position, the interim order dated 09.07.2021 is made absolute. 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.

06.08.2021
Amandneep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No