

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

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**CRM-M-30236-2021
Date of decision: 29.11.2021**

Baljinder Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. A. S. Manaise, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 30 dated 24.03.2021, registered under Sections 324, 323, 506, 148, 149 of the IPC (Section 326 IPC added later on) at Police Station Dhariwal, District Gurdaspur.

The operative part of the order dated 02.08.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Sahil, it is stated that on 12.03.2021, when he, along with his brother Bablu, was sleeping in his house, petitioner came there and knocked the gate of the house. When the brother of the complainant opened the gate, the petitioner started beating him and when he raised cries, the complainant went there and saw that petitioner is armed with Datar while co-accused Lovepreet Singh, Gurmukh Singh, Gagandeep Singh, Amritpal Singh and Mahajan Singh were armed with Baseball bat and brickbats. The petitioner raised a *lalkara* that catch hold of both the brothers and do not spare them today. Thereafter, petitioner gave a *datar* blow which hit on the leg of the complainant.

Lovepreet Singh @ Labha gave a baseball blow, which hit on the head of the complainant and Gurmukh Singh gave a brick blow on the face which hit left eyebrow of the complainant and other assailants threw brickbats at the gate and inside the house of the complainant.

Learned counsel for the petitioner submits that initially the FIR was registered under Sections 324, 323, 506, 148, 149 of the IPC and the petitioner was granted concession of bail.

Learned counsel further submits that there was a delay of 12 days in lodging the FIR and during the course of investigation, injury No. 3, suffered by complainant Sahil, was found grievous in nature and thereafter, Section 326 IPC was added.

Learned counsel further submits that except the addition of Section 326 IPC, there is no change of circumstances.

Notice of motion for 29.11.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 02.08.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Raj Masih, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 02.08.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

29.11.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No