

CRM-M-34943-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-34943-2021.
Date of Decision:-07.10.2021.

Harvinder Singh @ Nikka and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. L.S. Sandhu, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.37 dated 19.02.2021 under Sections 307, 323, 341, 506, 148 and 149 of IPC, registered at Police Station City Samana, District Patiala.

On 26.08.2021, the following order was passed:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.37 dated 19.02.2021 registered under Sections 307, 323, 341, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station City Samana, District Patiala.

At the outset, since the allegations made against petitioner Nos.1 and 2 are with respect to inflicting injuries on

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the head of the complainant, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition with respect to petitioner Nos.1 and 2.

In view of the above, the present petition stands dismissed as withdrawn with respect to petitioner Nos.1 and 2.

With respect to petitioner No.3, it has been argued that petitioner No.3 has been falsely implicated and even as per the allegations made in the FIR, he has been attributed one daang blow on the back side of Rajinder Pal, which as per the argument of learned counsel for the petitioners was simple injury and has also been attributed kick blows alongwith other person to the complainant. It is submitted that petitioner No.3 is not involved in any other case.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 07.10.2021.

In the meantime, in the event of arrest, petitioner No.3 shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, petitioner No.3 shall 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.”

Learned counsel for the petitioner has submitted that in the present case, in fact, the matter has been compromised and for the said

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purpose, he has referred to the affidavit dated 07.04.2021 of the complainant party.

Learned State counsel, has opposed the present bail application.

Keeping in view the above facts and circumstances and also the fact that in the present case, the petitioner has been attributed simple injury and is not the person who had given the injury on the head so as to attract offence under Section 307 of IPC and also the fact that as per the learned counsel for the petitioner, the matter has been compromised, this Court allows the present petition for anticipatory bail qua petitioner No.3 and the order dated 26.08.2021 is made absolute qua petitioner No.3 Bhagwant Singh alias Bhanti.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 07, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No