

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33123 of 2020

Date of Decision: 27.04.2021

LAKHBIR SINGH AND ANOTHER

.....Petitioners

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashish Aggarwal, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Ramnish Puri, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioners seek grant of anticipatory bail in case bearing FIR No.126 dated 28.06.2020, registered under Sections 326, 323, 34, 427 IPC at Police Station Bhikhiwind, District Tarn Taran.

Notice of motion was issued on 16.10.2020 and arrest of the petitioners was also stayed. The occurrence took place on 17.06.2020. The FIR came to be registered on 28.06.2020. It is not in dispute that MLR of the injured Gurlal Singh was

prepared on 18.06.2020 itself in which nine injuries were found.

As per allegations in the FIR, petitioner No.1 raised a lalkara. Petitioner No.2 gave *datar* blow to the complainant which was warded off by him with his left hand resulting in injury on the writ of his left hand. Petitioner No.2 again gave blow from reverse side of the *datar* on the left side of chest of the complainant. The injury on the chest is only complain of chest pain and was declared to be a simple injury. Injury on the left wrist was found to be grievous in nature.

The State has also filed reply by way of affidavit of Rajbir Singh, PPS, Deputy Superintendent of Police, Sub Division Valtaha, Camp at Bhikhiwind, District Tarn Taran, wherein factum of preparation of MLR on 18.06.2020 is admitted in which nine injuries were found on the person of the complainant. Injuries No.1 and 7 were kept under observation. On X-ray, injury No.1 was found to be grievous in nature, whereas injury No.7 was declared to be simple injury.

Since petitioner No.2 is author of grievous injury, therefore, the present petition qua him is hereby dismissed.

Petitioner No.1 is not author of any injury on the person of the complainant, therefore, the petition is allowed qua him. Petitioner No.1 is directed to appear before the SHO/Investigating Officer to join investigation on 01.05.2021 at

11.00 A.M., and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

April 27, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No