

CRM-M-41365-2021

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

CRM-M-41365-2021

Date of decision: 14.10.2021

Manni @ Rajesh Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Onkar Singh, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.56 dated 05.06.2021, registered at Police Station Hajipur, District Hoshiarpur, under Sections 326, 324, 323, 341, 148 and 149 IPC.

Learned counsel for the petitioner contends that though the injury on the head of the complainant, with reverse side of *datt*, has been attributed to the petitioner, yet the same is simple in nature. Even as per the MLR (Annexure P-3A), it was an abrasion. Learned counsel further contends that in fact, the complainant and others had caused injuries to co-accused Manjit Singh @ Haddi, who had got recorded DDR No.25 dated 09.06.2021 against the complainant and others. It is a case of version and cross-version and it is yet to be ascertained as to which party was the aggressor one. Moreover, there is an unexplained delay of 05 days in

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lodging the present FIR.

Notice of motion.

On the asking of this Court, Mr. Chaman Lal Pawar, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. He, on instructions from ASI Parvesh Kumar, submits that during investigation, the petitioner has been found innocent.

I have heard the learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438(2) Cr.P.C.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency, the investigating agency would be liberty to move an appropriate application for cancellation of bail.

14.10.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No