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

CRM-M-47268-2021

Date of decision : 11.11.2021

Manjit Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab alongwith
HC Bhupinder Singh.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.116 dated 23.06.2021 registered under Sections 323/324/427/148/149 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner has submitted that in the present case, as per the allegations made in the FIR, the petitioner had been attributed two injuries with stick i.e. one on the back of the complainant and other on the little finger of right hand of the complainant. It is further submitted that even as per the details of the injury as given in para 6 of the order dated 28.07.2021 (Annexure P-4) passed by the Additional Sessions

Judge, Bathinda, there is no injury on the back of the complainant. It is contended that it is not possible to give a sharp edge injury with a stick. It is further argued that the present case is a case of version and cross-version and cross case under Sections 323, 324 of the IPC read with Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, had been registered on the statement of father of the petitioner and as per the said statement, it has been alleged by the father of the petitioner that Harwant Singh alongwith 15-17 other persons armed with *gandasa*, had given four injuries to him, out of which, one was on the head and even the present petitioner was beaten up. He has further contended that the co-accused of the petitioner namely Kewal Singh, Amarjit Kaur and Komal Kaur have already been granted the concession of anticipatory bail by this Court.

Notice of motion.

On advance notice, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of the State and has stated that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that as per the allegations in the FIR, two injuries have been caused by the petitioner. However, he could not dispute the fact that the injury on the back is not reflected even as per the details of injury as given in para 6 of the order dated 28.07.2021 (Annexure P-4) and the fact that the petitioner was armed with a stick as per the prosecution version.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the present case is a case of version and cross-version and

father of the petitioner had also suffered four injuries and the petitioner is alleged to have given two injuries out of which, the injury on the back is not even reflected in the details of injuries given in para 6 of the order dated 28.07.2021 (Annexure P-4) and the other injury which has been attributed to the petitioner is on the little finger of right hand of the complainant with stick, which cannot possibly attract Section 326 of the IPC inasmuch as the stick cannot be stated to be a sharp edged weapon and also the fact that the co-accused of the petitioner namely Kewal Singh, Amarjit Kaur and Komal Kaur have already been granted the concession of anticipatory bail, the present petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

However, nothing stated above shall be construed as an 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.

11.11.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**