

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

205

**CRM-M-51340-2019 (O&M)
Date of Decision: 09.09.2021**

Baloura Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. H.S.Batth, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Satnam Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.0087 dated 10.11.2019 at Police Station Khalra, District Tarn Taran, under Sections 326, 323, 447, 427, 148, 149 IPC.
2. The FIR was lodged at the instance of Nirmal Singh, wherein it is alleged that on 04.11.2019 while he was working in his fields, accused Baloura Singh armed with *datar*; Joban Singh armed with baseball bat; Dilbag Singh and Chanan Singh, both carrying sticks as well as Raj Kaur, who was also carrying a stick attacked him and caused injuries to him. While 4 of the injuries sustained by the complainant are stated to be in the nature of simple injuries, one injury, which is attributed to the petitioner, stated to have been

inflicted on the right elbow of the complainant has been opined to be a grievous injury.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that the falsity would be evident from the fact that there is delay of 7 days in lodging the FIR. Learned counsel has further submitted that in any case he has joined investigation and has appeared during the last about 1½ year whenever required by the Investigating Officer and as such, his custodial interrogation is not required and he deserves the concession of anticipatory bail.
4. Opposing the petition, learned State counsel has submitted that since it is the petitioner, who is attributed the grievous injury, no case for grant of anticipatory bail is made out. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is attributed a grievous injury while all others are attributed simple injuries. The injury attributed to the petitioner is, however, on a non-vital part i.e. on the right elbow of the complainant. The petitioner was granted interim bail on 03.12.2019 by this Court. There is nothing on record to suggest that he had misused the concession of bail. Rather, it has been

informed that he has been appearing before the Investigating Officer and he is not wanted in any other case.

7. Having regard to the aforestated position, wherein the injury attributed to the petitioner is on a non-vital part and in fact even the injuries attributed to other co-accused are on non-vital parts and the petitioner has already joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 03.12.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

09.09.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**