

212

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

(Through video-conferencing)

**CRM-M No.55697 of 2019
Date of Decision: 08.09.2021**

MEWA SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.104 dated 19.04.2019 registered under Sections 341/323/506/34 IPC and offence under Section 326 IPC (added later on) at Police Station Bhawanigarh, District Sangrur.

On 01.01.2020, following order was passed by this Court:-

“Learned counsel for the petitioner contends that initially the FIR was registered for the bailable offences under Sections 323,341,506,34 IPC. The complainant has

received two injuries i.e. an injury with back side of Gandasa by the petitioner and by the rod resembling pipe by his son. One injury on his right knee by wooden Forha was given by Jagdeep Singh nephew of the petitioner. Thereafter one more person namely Mehna came to the spot with a stick. He hit at the back of the shoulder and right knee of the complainant. Initially the injury attributed to the complainant was found to be a blunt injury and thereafter the same was converted to an injury with a sharp edged weapon in view of opinion of the board of doctors and the same was found to be a cutting of the extensor hallucis tendon of the left thumb. Since two persons have been assigned injuries on the left hand, therefore it would be debatable as to the attribution of the injury falling under mischief of Section 326 IPC which was added at a later stage.

Notice of motion for 25.02.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 5.01.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that initially the FIR was registered for the offences under Sections 323, 341, 506, 34 IPC and in the very nature of offences, the same were bailable. Offence under Section 326 IPC was added at a later stage. Two accused have been assigned injuries on the left side of the complainant. It would be debatable as to the

authorship of injury falling under Section 326 IPC.

Learned counsel further submits that in compliance of the order dated 01.01.2020, the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from SI Rajinder Kaur admits the aforesaid fact and submits that a *gandasa* has been recovered from the petitioner and his presence is no more required for further investigation of the case. Challan has not been presented so far.

In view of statement made by learned State counsel, the interim order dated 01.01.2020 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

September 08, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No