

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 18958 of 2022

Date of Decision: 07.7.2022

Jagsir Singh @ Jelly

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. J.S.Moudgil, Advocate for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 438 Cr.P.C., the petitioner claims indulgence of his becoming admitted to anticipatory bail, in respect of FIR bearing No. 223 of 12.10.2021, registered at Police Station City Sunam, District Sangrur, constituting therein offences under Sections 323, 324, 341, 506, 148, 149 IPC, and, the later on added Section 326 IPC.

2. The incriminatory role, as assigned to the present petitioner, is that, he along with the other co-accused rather caused simple, as well as grievous injuries on the person of the victim, through each respectively using weapons' of offence.

3. Though, the grievous injury, as apparent on a reading of the reply, as furnished to the petition by the respondent-State, became allegedly caused by co-accused Gurwinder Singh @ Lolu, but the simple injuries also became inflicted, upon the person of the victim, and, they are alleged to be caused by the present petitioner, rather through his allegedly using an iron rod. Therefore, unless during the course of investigation, being made into the

recovery thereof, to the investigating officer concerned, thereupon, this Court may not become constrained to accord the craved for indulgence to the present petitioner. Nonetheless, since the present petitioner though, has not ensured the recovery of the iron rod, to the investigating officer concerned, and, which ultimately spurred from the factum of his throwing it, into a water channel, and, when in sequel thereof, the investigating officer concerned has added an offence under Section 201 of the IPC against the present petitioner, and, obviously when in respect thereof, an apposite charge would become framed against him, and, would also lead to imposition of punishment upon him. Consequently, even in the wake of above non-effectuation of recovery of iron rod, by the present petitioner, to the investigating officer concerned, rather cannot impede this Court to accord the craved for indulgence, to the present petitioner, especially when he, with its alleged user, inflicted only simple injuries on the person of the victim. In the wake of the above, and, also when it is intimated to this Court, by the learned State counsel, that the condition of the victim is stable, therefore, this Court proceeds to accord the craved for indulgence to the present petitioner.

4. Consequently, the instant petition is allowed, and, the order made by this Court on 06.5.2022, is made absolute on the same terms and conditions.

5. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)
JUDGE

July 07, 2022
Gurpreet

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