

CRM-M-35989 of 2022

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

CRM-M-35989 of 2022
Date of Decision: 24.08.2022

Ajay @ Mahavir

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. A.S. Brar, Advocate, for the petitioner.
Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.106 dated 28.07.2022 registered under Sections 323, 325, 452, 506, 34 IPC at Police Station Kot Ise Khan, District Moga.

The brief facts of the case are that present FIR was registered on the statement of complainant Hira Singh son of Walla Singh alleging that on 25.07.2022, after inquiring well-being of his brother-in-law Gagandeep Singh @ Billa son of Charna Singh from Nanny Hospital, Kot Ise Khan he reached Village Masitan. He found standing Joga Singh son of Pappu Singh and Gohli son of Nachhattar Singh in the street of his house. On asking as to why they are standing there, they started abusing him. He entered into his house. At about 9.30 p.m., Joga Singh armed with kirpan; Gohla Singh armed with baseball bat, Money son of Pappu

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Singh armed with stick and Ajay son of Pappu Singh armed with stick followed him. Ajay raised lalkara. Joga Singh gave kirpan blow hitting right wrist of his wife Rani Kaur, as she came to rescue him. Gohla Singh gave baseball bat blow hitting on the right side of his shoulder. Ajay gave stick blow hitting wrist of his right hand. Money gave 3-4 stick blows on his thighs. They raised alarm. At this, all the above said assailants along with their weapons ran away from the spot. People gathered there. His brother Joga Singh got him admitted in Civil Hospital, Kot Ise Khan, from where he was referred to Civil Hospital, Moga. Compromise talks were going on, which could not materialized. It is alleged that motive behind the assault is that above said accused used to stand in front of door of his house and he used to restrain them. Due to this grudge, all the above said persons inflicted injuries to him. On receipt of Supplementary report, injuries No.1 and 2 were declared as grievous in nature and offence under Section 325 IPC was added.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. Alleged injury attributed to the petitioner is on the right wrist of the complainant, which is not on the vital part of the body. There is unexplained delay of three days in registration of FIR. Offences under all the Sections are triable by the Magistrate. Petitioner is ready and willing to join the investigation.

On the other hand, learned State counsel opposed the grant of anticipatory bail to the petitioner.

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Having heard learned counsel for the petitioner as well as learned State counsel and considering overall facts and circumstances, petitioner is directed to join the investigation and remain present before the Investigating Officer as and when called for and in the event of arrest, the petitioner shall be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

August 24, 2022
R.S.

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No