

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

(Sr. No. 208)

CRM-M No.51809 of 2021

Date of decision : 07.03.2022

Vinod Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. L. S. Sidhu, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.164 dated 21.11.2020 registered under Sections 458, 379-B, 324, 323, 506, 148, 149, 120-B IPC (Section 326 IPC added later on) at Police Station Bahawala, Distt. Fazilka.

Briefly stated the case of the prosecution is that the petitioner, along with his co-accused, entered the house of the complainant and inflicted injuries upon him which include an injury by the petitioner on the complainant's left leg with an iron rod.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case at the behest of the complainant as there are other criminal cases pending between both the sides; the petitioner

is attributed an injury on the left leg of the complainant with an iron rod which is not supported by medical evidence as in the complainant's MLR the injury on his left leg is with sharp edged weapon; through order dated 25.01.2022 passed in CRM-M No. 44162 of 2021 – Khetpal Vs. State of Punjab and another, co-accused Khetpal has already been granted anticipatory bail by this Court; since the weapon allegedly used by the petitioner has already been recovered no further recovery is required to be made from the petitioner; in any case the injury attributed to the petitioner is on a non-vital part of the complainant's body and that the petitioner is also ready and willing to join and cooperate with the investigation.

Learned State counsel opposes the petitioner's plea on the ground that he has inflicted a grievous injury on the complainant's left leg and that there is another criminal case of similar nature pending against him.

The allegation against the petitioner with regard to him having inflicted an injury with an iron rod on the complainant's left leg *viz a viz* MLR of the complainant which shows an injury on his left leg with a sharp edged weapon would be debated during the course of the petitioner's trial. However, the allegations against the petitioner, even if accepted, are of him causing an injury on a non-vital part of the complainant's body; co-accused Khetpal has been granted anticipatory bail by this Court and that no further recovery is required to be made from him.

In view of the above and subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event

of his arrest in the afore FIR, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

The petition is allowed in the above terms.

07.03.2022

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No