

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

**CRM-M-53768 of 2021(O&M)
Date of Decision: 25.08.2022**

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. S.P.S. Sidhu, Advocate
 For the petitioner.**

Mr. C.L. Pawar, Addl. AG Punjab.

**Mr. Sarju Puri, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 85 dated 30.11.2021 (wrongly written as 29.11.2021), registered under Sections 323, 324, 341 and 326 IPC at Police Station Aur, District Shaheed Bhagat Singh Nagar.

Counsel for the petitioner submits that as per the allegations appearing on the record the present petitioner caused injuries on the right arm of complainant Manjit Singh with spade. Counsel for the petitioner further submits that there is also cross-version registered vide DD No.16 dated 06.12.2021 as per which the aforesaid Manjit Singh caused injuries on the left hand of the petitioner with *gandasa*. The counsel for the petitioner further submits that the petitioner has joined the investigation and after

completion of investigation the police has presented the challan and the trial Court after framing of charges has now fixed the case for prosecution evidence. The counsel for the petitioner further submits that in the given circumstances no purpose is going to be served even if the petitioner is sent to custody at this stage.

The State counsel has not refuted the fact that the petitioner has joined the investigation and that after completion of investigation, challan has been presented and the trial Court has framed charges and now the case is fixed for prosecution evidence. The State counsel has also not disputed the fact that recoveries in this case have already been effected.

The present petition is resisted by counsel for the complainant who submits that the injury caused by the petitioner on the right arm of the complainant was found to be grievous in nature. The counsel for complainant further submits that even though the petitioner has joined the investigation, the present petition deserves to be dismissed.

I have considered the rival submissions made by learned counsel for the parties.

The present case involves version as well as cross-version. As per the allegations recorded in the FIR, the present petitioner caused injury on the right arm of complainant Manjit Singh with the help of spade and the same was declared as grievous in nature. At the same time, there is also cross-version as per which aforesaid Manjit Singh caused injuries on the left hand and back of the petitioner with *gandasa*. The petitioner has joined the investigation with the police and as has been stated by the State counsel, recovery has been effected in this case and after completion of investigation police has submitted its report under Section 173 Cr.P.C. and the trial Court

has framed the charges and now the case is posted for prosecution evidence. In these circumstances, no fruitful purpose is going to be served by sending the petitioner in custody at this point of time.

In view of the above, without commenting on the merits of the case present petition is allowed and interim orders dated 22.12.2021 and 09.05.2022 are hereby made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

25.08.2022

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No