

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

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CRM-M-52026-2022 (O&M)

Date of Decision: 19.12.2022

DALJIT KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this instant second petition, the petitioner seeks anticipatory bail in case bearing FIR No.40 dated 26.07.2022, registered at Police Station Behrampur, District Gurdaspur, under Sections 452, 324, 323, 506 and 34 IPC.

Status report by way of an affidavit dated 17.12.2022 of the Assistant Superintendent of Police, Dinanagar, District Gurdaspur, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that, since the injury attributed to the petitioner is on the head of the injured, the earlier anticipatory bail petition preferred by him was dismissed as withdrawn on 02.09.2022; that co-accused, namely, Surjit Singh, has already been granted the concession of anticipatory bail by this Court the same day i.e. 02.09.2022 and that as per the status report dated 17.12.2022, injury

No.1, which was kept under observation, was declared as simple by the Doctor concerned and accordingly, GD No.29 dated 12.08.2022 was entered in the general diary.

Per contra, while opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel does not dispute the aforesaid factual position.

I have heard the learned counsel for the parties.

As notice above, injury No.1, which was kept under observation, was declared as simple by the doctor concerned and GD qua the same was also recorded.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds merit in this petition and the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, then he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the investigating agency the investigating agency would be at liberty to move an appropriate application for the cancellation of bail.

19.12.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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