

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

CRM-M No.54759 of 2021

Date of Decision: 24.03.2022

Karamjit Singh

..... **Petitioner**

Versus

State of Punjab

..... **Respondent**

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajat Dogra, Advocate for
Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

This is a petition seeking anticipatory bail in case of FIR No.220, dated 05.10.2021, under Sections 323, 325, 364, 342, 379, 506, 148, 149 of IPC, 1860, registered at Police Station Samrala, Police District Khanna, District Ludhiana.

Mr. Vijay Lath, Advocate appeared and filed his memorandum of appearance on behalf of the complainant today in the Court, same is taken on record.

On 03.01.2022, the following order was passed:-

“Petitioner has approached this Court for seeking concession of pre-arrest bail in case FIR No.220 dated 05.10.2021 for offences under Sections 323, 325, 364, 342, 379, 506, 148 and 149 of the IPC, registered at Police Station Samrala, Police District Khanna, District Ludhiana.

Learned counsel inter alia contends that the father of the petitioner had been given land by the complainant-

Baljeet Singh, who is a retired Head Constable from Indian Army. The land was given in lease on May 2016 and upon demise of his father in the year 2017, the land is in cultivating possession of the petitioner along with his brothers. It is further argued that a civil suit between the parties for grant of injunction is pending in the Court of Additional Civil Judge (Sr. Division) Samrala. Learned counsel for the petitioner further argues that even if the allegation of the complainant is accepted as gospel truth for the sake of argument, yet the role attributed to the petitioner is that of causing a danda blow on the left leg of the complainant below the knee, which is simple in nature. Refuting to the second limb of allegation pertaining to abduction of the complainant it is argued that the same is not attributed to the petitioner and as per the version of the complainant himself, the petitioner had reached the place where the complainant had been taken after abduction by other co-accused. Learned counsel further argued that true genesis of the occurrence has been concealed by the complainant as the injury sustained by the petitioner has not been disclosed and no explanation has been furnished towards the same.

Notice of motion.

Mr. S.S. Deol, learned Deputy Advocate General, Punjab accepts notice on behalf of State of Punjab.

Learned State counsel submits that the harvested crop is still to be recovered. It is, however, not disputed that the civil suit amongst the parties is pending and that injuries in question had been sustained by Karamjit Singh, petitioner herein. It is also not disputed that injury attributed to the petitioner was found simple in nature.

List on 24.03.2022 for further consideration.

Petitioner shall join investigation as and when so called upon by the Investigating Officer. Upon appearance of the petitioner before the Investigating Officer, he shall be

admitted to interim bail on furnishing of bail bonds by him to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.”

The petitioner was granted interim anticipatory bail subject to joining investigation on 03.01.2022.

Learned counsel for the State on instructions from ASI Mohan Lal submits that the petitioner has joined the investigation and custodial interrogation of the petitioner is not required.

Learned counsel for the complainant opposes the bail.

In view of the statement made by counsel for the State, the interim bail granted to the petitioner on 03.01.2022 is made absolute.

Disposed of accordingly.

[AVNEESH JHINGAN]
JUDGE

24th March, 2022

rittu

- | | | |
|-------------------------------|---|--------|
| 1. Whether speaking/ reasoned | : | Yes/No |
| 2. Whether reportable | : | Yes/No |