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

CRM-M-54778-2021

Date of decision : 04.01.2022

Narinder Singh @ Nindi @ Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.156 dated 13.11.2021 registered under Sections 379-B/356/323/341/34 of the Indian Penal Code, 1860 at Police Station Nathana, District Bathinda.

Learned counsel for the petitioner has submitted that in the present case, FIR had been registered after a delay of 3 days inasmuch as the alleged incident is stated to have taken place on 10.11.2021 at 10.30 am whereas the present FIR had been got registered on 13.11.2021 at 07.31 pm. It is submitted that in fact, neither any specific injury had been attributed to the petitioner nor it has been alleged that it was the petitioner who took the money inasmuch as snatching of Rs.20,000/- had been attributed to the co-

accused Buta Singh. It is further argued that it is the co-accused Buta Singh who is stated to have allegedly given rod blow on the left knee of the complainant and the said injury is simple in nature. The sole allegation against the petitioner is that he alongwith Gurdeep Singh grappled with the complainant and gave fist blows upon his eyes. It is argued that all the injuries are simple in nature and nothing is to be recovered from the petitioner as the petitioner was neither armed with any weapon nor has allegedly taken the money. It is also argued that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr. K.S. Aulakh, DAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted on instructions from HC Ranjit Singh that the petitioner alongwith other co-accused had participated in the offence on account of which three injuries were caused to the complainant and an amount of Rs.20,000/- was also stolen. Learned counsel for the State however, could not dispute the fact that all the said injuries inflicted were simple in nature and the petitioner was unarmed and also, the fact that snatching of Rs.20,000/- has been attributed to co-accused Buta Singh and the fact that the petitioner is not involved in any other case.

This Court has heard the learned counsel for the parties and has perused the record.

It is not in dispute that the petitioner was not armed with any

weapon. It is also not in dispute that all the three alleged injuries have been declared to be simple. The attribution regarding specific injury on the left knee as well as the snatching of Rs.20,000/- from the pocket of coat of the complainant has been alleged to be made to co-accused Buta Singh. The petitioner alongwith Gurdeep Singh had stated to have given fist blows upon the eyes of the complainant. There is a delay of three days in registration of the FIR and no recovery is to be effected from the petitioner. The petitioner is not stated to be involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear, in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

04.01.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**