

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

CRM-M-10915-2023

Date of decision : 31.10.2023

Puran Chand

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Abhayjeet Singh, Advocate
for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Vishal Aggarwal, Advocate and
Mr. Arvind Kashyap, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.0120 dated 30.12.2022, under Sections 302 (added later on), 307, 323, 506 and 34 of IPC at Police Station Sadar Pathankot, Punjab.

Vide order dated 09.03.2023, while granting interim bail, the petitioner was directed to join investigation.

Learned counsel for the petitioner has submitted that pursuant to order dated 09.03.2023, petitioner has joined the investigation and has cooperated in the same.

Learned counsel for the complainant has opposed the prayer made by learned counsel for the petitioner. He has submitted that petitioner is also involved in other FIR No.15 dated 03.02.2021, under Sections 354, 324, 323, 148, 149 of IPC, at Police Station Sadar

Pathankot. He has submitted that petitioner was armed with the iron rod and he has given the blow of the same to the complainant.

However, learned counsel for the petitioner has submitted that the contentions raised by the complainant are motivated. He submits that as per the case of prosecution, petitioner though was allegedly armed with iron rod but instead he only gave fist and leg blows to the deceased and no iron blow was given by the petitioner to the deceased. He submits that as per the case of prosecution, it is the co-accused Suresh Kumar who caused head injury by iron rod to the deceased. He submits that though there is an another FIR against the petitioner, however, he is on bail in that FIR. He submits that in view of the same, petitioner deserves to be granted anticipatory bail.

Learned State counsel, on instructions from ASI Som Dutt, has submitted that petitioner was armed with iron rod but he gave leg and fist blows to the deceased. He also submits that the petitioner did not gave iron rod blow to the deceased and the head injury is attributed to the co-accused Suresh Kumar.

On query raised by this Court, ASI Som Dutt, present in the Court, submits that there is no complaint against petitioner Puran Chand about threatening the witnesses as contended.

In view of the above, interim order dated 09.03.2023 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C. by the petitioner. Petition stands allowed.

31.10.2023
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

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