

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

CRM-M-11926-2023

Date of Decision:16.11.2023

Pargat Singh

...Petitioner

vs.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. P.B.S.Goraya, Advocate,
 for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Sukhbir Maandi, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 438 of Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.97 dated 01.07.2022 registered under Sections 307, 324, 323, 186, 34 of IPC and Sections 25 and 27 of Arms Act (Sections 186, 326 of IPC and Section 25 of Arms Act deleted later on and Section 336 of IPC added later on), at Police Sarhali, District Tarn Taran.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to some civil dispute between the parties. As per story of the prosecution, the petitioner had allegedly caused injuries with a kirpan on the left elbow of Ranjodh Singh, complainant and forehead of Samreet Singh, nephew of the complainant. Learned counsel further contends that even though, the injuries suffered by Ranjodh Singh has

been declared to be grievous, however, the Medical Board vide opinion Annexure P-2 had stated that the possibility of causing injuries by a friendly hand could not be ruled out. He further contends that even though, the petitioner was declared as a proclaimed offender, however, vide an order of even date in CRM-M-38162-2023, the P.O. proceedings against the petitioner have been ordered to be quashed by this Court. He further contends that the petitioner is ready to join the investigation in the present case.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant has opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had evaded the process of law for long and he is not entitled to the relief of anticipatory bail.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, injury, which attracted the offence under Section 307 IPC, was attributed to Harwinder Singh, son of the petitioner/non-applicant. However, Harwinder Singh was arrested in the present case and has been granted the concession of regular bail. Even though, the injury attributed to the present petitioner is grievous in nature, however, a Medical Board of Sub-Divisional Hospital, Khadoor Sahib has rendered the following opinion:-

“Though injury No.1 of Ranjodh Singh son of Daan Singh, 35 years male R/o Warana Tarn Taran, Panjab as per vide MLR (MLR No.RSG/67/CHC Kairon dated 30.06.2022) and X ray report was declared grievous but according to board opinion possibility of friendly hand cannot be ruled out. Concerned Investigation officer to investigate circumstantial evidence.”

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory

bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions as under:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday of English calander month before the concerned SHO till the*

conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

16.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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