

occasion i.e. at about 11.30 p.m. on 07.07.2021, Naveen Kumar, Neeraj and others tried to kill the petitioner and caused serious injuries to him. Consequently, FIR No.171 dated 08.07.2021 under Sections 307, 326, 323, 34 of IPC and Sections 27, 54, 59 of Arms Act at Police Station Model Town, Hoshiarpur was registered at the instance of the present petitioner. Subsequently also, on 25.04.2023, the petitioner was again attacked at the instance of the present complainant and was caused serious injuries. Learned counsel further contends that one FIR No.115 dated 26.04.2023 under Sections 307, 323, 324, 341, 148, 120-B IPC, at Police Station Model Town, Hoshiarpur was registered on the complaint filed by the present petitioner. He further contends that the petitioner remained admitted in Dayanand Medical College and Hospital, Ludhiana from 26.04.2023 to 06.05.2023 and he is still confined to bed. He further contends that no recovery is to be effected from the present petitioner and his custodial interrogation will not serve any meaningful purpose.

3. On the other hand, a short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur has been filed in Court today and the same is taken on record. Learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that five more criminal cases were registered against the present petitioner. However, he admits that in three cases, the petitioner has already been acquitted by the Courts of law. The learned State counsel also admits that the petitioner remained under treatment in DMC, Ludhiana after receiving serious injuries on his person on 25.04.2023 and at present, he is confined to bed. Even an opinion was sought from Senior Medical Officer, Civil Hospital,

Hoshiarpur and the following opinion was given by the SMO, Civil Hospital, Hoshiarpur:-

“As per letter No.1552-5P, dated 03.10.2023 of Police Station Model Town, Hoshiarpur. The patient named Manpreet has been operated by private Apex Institute on 26.04.2023 for lower limb (Iizarov + ankle fixator) + 01.05.2023 for ulna.”

4. I have heard learned counsel for the parties and perused the record.
5. From the submissions made by the parties, it is apparent that the petitioner had also suffered serious injury on his person and was operated by the Apex Institute on 26.04.2023 and at present, he is confined to bed. Apart from that, it is also apparent from the record, the custodial interrogation of the petitioner may not be required in the present case.
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 mentioned in Section 438(2) of the Cr.P.C.

10.10.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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