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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45847-2023

Date of Decision: 09.11.2023

Jasbir Singh alias Jassi

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Lovish Arora, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.115 dated 18.12.2018 registered under Sections 324, 323, 308, 428, 148 and 149 of IPC (Section 308 of IPC added later on and Section 428 of IPC deleted), at Police Station Mallanwala, District Ferozepur.

2. While issuing notice of motion on 14.09.2023, a Co-ordinate Bench of this Court had observed as under:-

“Through the instant second petition, the petitioner seeks anticipatory bail in case bearing FIR No.115 dated 18.12.2018, registered at Police Station Mallanwala, District Ferozepur, under Sections 324, 323, 308, 428, 148 and 149 IPC; Section 308 IPC (added) and Section 428 IPC (deleted later on), the first one having been dismissed vide order dated 13.09.2019 passed by a Coordinate Bench of this Court.

Learned counsel for the petitioner submits that the

petitioner has falsely been involved in the present case; that the mother-in-law of the complainant expired on 13.12.2018; that the FIR was got registered by Kulwant Singh with an allegation that, when he along with his other family members was cleaning the street, then the accused party had attacked them; that the allegation against the petitioner is that he had given iron pipe blows on the left eye-brow and forehead of Kulwant Kaur and that the said injuries were declared simple in nature.”

3. In compliance of order dated 14.09.2023, status report by way of an affidavit of Deputy Superintendent of Police (Sub-Division) Zira has been filed on behalf of the respondent-State in Court today and the same is taken on record. Learned State counsel also submits that the injury attributed to the present petitioner has been declared to be simple in nature. He has also admitted the fact that Nishan Singh alias Fauji, who is the main accused, has also been admitted to anticipatory bail by this Court.

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

5. In view of the above, 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.

09.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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