

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-49958-2022 (O&M)
Date of Decision:-19.1.2023

Amur Peter @ Amar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S. Bains, Senior Advocate with
Mr. Mohan S. Chauhan, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab and
Mr. Siddharth Attri, AAG, Punjab,
assisted by Sub Inspector Bhupinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.152, dated 5.11.2021, Police Station Mehatpur, District Jalandhar, Punjab, under Sections 323, 324, 307, 341, 506 of Indian Penal Code and Sections 25 and 27 of Arms Act.
2. At the time of issuance of notice of motion, the following order was passed on 29.10.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.152, dated 5.11.2021, Police Station Mehatpur, District Jalandhar, Punjab, under Sections 323, 324, 307, 341, 506 of Indian Penal Code and Sections 25 and 27 of Arms Act.

Learned counsel for the petitioner submitted that although the petitioner, as per FIR, is alleged to have inflicted a blow with

‘*datar*’ to the complainant but the only injury found on the person of the complainant is an incised wound on the left palm of the complainant. It has further been informed that the other injury is in the nature of ‘complains of pain in abdomen’.

Learned counsel for the petitioner submitted that the FIR infact is a motivated one on account of political rivalry in the village. Learned counsel for the petitioner submits that the complainant’s brother, who is a Sarpanch, indulged in illegal mining in respect of which the petitioner had made a complaint to the authorities concerned and on account of which the complainant nursed a grudge against the petitioner and has been falsely implicated. Learned counsel submits that even if all the allegations levelled in the FIR are taken to the correct, no offence under Section 307 IPC can be said to be made out, being a case of solitary injury on hand.

Notice of motion for 19.1.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel has opposed the petition and has submitted that it is a case where the petitioner after causing the injury with ‘*datar*’ had also fired from a pistol while sitting in his car. Learned State counsel has submitted that although the petitioner has joined investigation but has not got the pistol used in the occurrence recovered. It has also been informed that 2 other cases are pending against the petitioner i.e. one in respect of offence punishable under NDPS Act and the other under 174-A of Indian Penal Code.

4. This Court has considered the rival submissions.
5. Given the fact that it is a case of single injury and that too on the left palm of the complainant, which is in the nature of an incised wound and otherwise a simple injury and the State has also not denied the fact that the petitioner had earlier lodged a complaint against complainant's brother pertaining to illegal mining, this Court is of the opinion that it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 29.10.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

19.1.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No