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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 51483-2023
Date of decision: 11.10.2023*Karanbir Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Rakesh Kumar, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in G.D. No. 20 dated 30.08.2023, under Sections 323, 324, 506, 148, 149 and 326 of the Indian Penal Code (Annexure P2), recorded in FIR No. 61 dated 24.08.2023, registered under Sections 324, 427, 148, 149 of the Indian Penal Code, at Police Station Fattu Dyinga, District Kapurthala (Annexure P-1).

2) It is submitted by counsel for the petitioner that the case against the petitioner is totally false, frivolous and concocted. In fact, an FIR in question was got registered by the brother of the petitioner against the opponent. The police have not taken any action on the said FIR. Rather, after the lapse of ten days of the incident, the other-side made a complaint qua the injuries suffered, against the side of the petitioner. Even the injuries suffered by the author of GD No. 20 dated 30.08.2023 was recieved in an accident, which was the cause of the entire dispute. In fact, the injured was sitting in a Car in inebriated condition when the car struck against the pillar

of the gate of the house of the petitioner. The pillar had even bent on account of the impact of the Car, which caused the injuries to the Amrik Singh. There is no other case against the petitioner. The petitioner shall join the investigation as and when called for by the police. Hence, the petitioner deserves to be protected against his arrest.

3) Notice of motion.

4) Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent - State.

5) Counsel for the State being instructed by ASI Major Singh has submitted that there are direct allegations against the petitioner qua injury No. 1, which is declared to be grievous in nature. The petitioner is alleged to have used an iron strip to cause the said injury. However, it is not disputed that the car of Amrik Singh had struck against the pillar of the gate of the house of the petitioner, which resulted into damage of the car. It is also not disputed that, in the first instance, the said FIR was got registered by the side of the petitioner and despite that, no action has been taken against the opposite side.

6) In view of the above, but without commenting any further on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

October 11, 2023

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No