

CRM-M-2782-2024

Date of Decision: 25.01.2024

Jaswinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Prabhdeep Singh Bhandari, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. On the oral request made by learned counsel for the petitioner, the offence under Section 326 IPC is ordered to be added in the head note as well as in the prayer clause of the present petition. The Registry of the Court is directed to carry out the necessary correction in this regard.
2. A short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Sri Hargobindpur, Police District Batala has been filed on behalf of the respondent-State in Court today and the same is taken on record.
3. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.0149 dated 02.12.2023 registered under Sections 323, 324, 452, 427, 148, 149 of IPC, at Police Station Shri Hargobindpur, District Batala.
4. Learned counsel for the petitioner submits that even though the petitioner has been named in the FIR, but the only role assigned to him is that he had caused an injury with a kirpan from its reverse side, on the left hand of

the complainant. He further contends that the said injury has been declared to be simple in nature. He further contends that the injury, which led to the addition of the offence under Section 326 IPC, has been attributed to Gursahib Singh @ Chober, non-applicant. He further contends that the injured has already been discharged from the hospital. Learned counsel further contends that it is a case of version and cross-version and the police has intentionally not registered the case on the basis of the statement made by the present accused side, by colluding with the complainant side. He further submits that the petitioner is ready to join the investigation and his custodial interrogation is not required. He further submits that without admitting his guilty, the petitioner shall pay a sum of Rs.20,000/- as an interim compensation to the complainant in the present case.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner by submitting that the petitioner along with his other co-accused had trespassed in the house of the complainant and had caused serious injuries with lethal weapon.

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

7. As per the case of the prosecution, the petitioner had allegedly caused a simple injury on the left hand of the complainant, which is on the non-vital part of the body. Apart from that, the present accused side had also moved a complaint against the complainant side, but no criminal case was registered against the complainant side in the present case. Further, in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required at this stage.

8. 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.

9. The petitioner is directed to deposit a sum of Rs.20,000/- in cash with the Court of Area Magistrate/Duty Magistrate, within a period of one week from today. The concerned Court is directed to issue notice to the complainant and the said amount shall be released to the complainant against the receipt. In case, the amount of Rs.20,000/- is not deposited within one week from today, the present petition shall be deemed to be dismissed.

25.01.2024
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(N.S.SHEKHAWAT)
JUDGE

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