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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6997-2024

Date of Decision: 16.02.2024

Rajesh Singh alias Mithu

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Nitish Garg, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. On the oral request made by learned counsel for the petitioner, the offence under Section 325 IPC is ordered to be added in the headnote as well as the prayer clause of the main petition. Learned counsel for the petitioner is directed to carry out the necessary correction in the Court itself.
2. Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Rural, District Patiala 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.124 dated 29.11.2023, registered under Sections 452, 324, 325, 323, 506, 148, 149, 427, 120-B of IPC, at Police Station Julkan, Patiala.
4. Learned counsel for the petitioner contends that as per case of the prosecution, Happy, co-accused had given a blow with kirpan, which allegedly

hit on the left ear of the complainant. After suffering the said injury, the complainant become unconscious and fell down on the ground. It has been further alleged that after following, 8 to 10 persons had caused injuries to the injured, namely, Tarsem Singh, however, no injury specifically attributed to the present petitioner. Learned counsel further contends that the petitioner was not present at the place of occurrence nor there is any evidence to connect him with the commission of alleged crime. He further contends that similarly placed co-accuse, Babli Rani, Sunita Rani and Harpreet Kaur have already been admitted to anticipatory bail in the present case. Apart from that, Meena, co-accused has been granted the concession of regular bail. Without admitting his guilt, learned counsel for the petitioner has himself offered to pay an interim compensation of Rs.20,000/- 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 on the ground that serious allegations have been levelled against the petitioner and he does not deserve the concession of bail by this Court.

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

7. It is apparent that the petitioner has not been attributed any specific injury and it has been stated that the petitioner along with his other accused had caused injury to Tarsem Singh, after he had fallen on the ground. Even the custodial interrogation 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/- with the trial Court/Area Magistrate/Duty Magistrate, within a period of two weeks from today, which shall be disbursed to the injured-Tarsem Singh son of Labh Singh against receipt and proper identification. In case, the amount of Rs.20,000/- is not deposited within a period of two weeks, the present petition shall be deemed to be dismissed.

10. The above observations have been made only for the limited purpose of disposal of the bail application and the trial Court shall independently decide the trial, on the basis of the evidence led before the Court.

16.02.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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