

217/3

2024:PHHC:054340

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

CRM-M-14307-2024

Date of Decision : 22.04.2024

KARAN SINGH ALIAS KARANVIR SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nagar Singh, Advocate,
for the petitioner.

Mr.Raghav Garg, AAG, Punjab.

Mr. Tarun Kumar, Advocate,
for the complainant.

KULDEEP TIWARI. J.(Oral)

1. On 20.03.2024, the following order was passed by this

Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner, who is serving in the Indian Army, seeks the concession of anticipatory bail, in case FIR No.7 dated 10.02.2024, under Sections 341, 323, 148, 149 of the IPC (Sections 324, 325, 308 of the IPC added subsequently), registered at P.S. Hajipur, District Hoshiarpur.

2. What erupts from the record available before this Court, is that, the present FIR was registered on the statement of one Narinder Singh (complainant). The allegations, as levelled against the petitioner in the present FIR, are that, he gave a Datar blow from reverse side to the complainant, which hit on right side of his head, and, then he again gave him a Datar blow, which hit on left side of his forehead. The further allegation against the petitioner, is that, when one Pawan Kumar came to rescue the complainant, he and his co-accused collectively assaulted him. However, no specific injury is attributed, in the present FIR, to any of the assailants, which is allegedly caused upon Pawan Kumar.

3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the case at hand, is in fact, a case of version and cross-version. He submits that the injuries (supra), as attributed to the petitioner, are declared “simple in nature”. Insofar as the injuries allegedly suffered by Pawan

Kumar are concerned, there is no specific role attributed to the petitioner, in the present FIR, qua his inflicting any specific injury to Pawan Kumar, which has subsequently been declared “dangerous to life”.

4. Lastly, the learned counsel for the petitioner submits that since the co-accused of the petitioner have already been granted the concession of interim anticipatory bail by this Court, therefore, the petitioners also deserves being treated at par.

5. At this stage, Mr. Tarn Kumar Sharma, Advocate, records his appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today, and, he opposed the grant of anticipatory bail to the petitioner. He submits that, in fact, it was the petitioner, who had caused injury on the head of Pawan Kumar, which has subsequently been declared “dangerous to life”, and whereupon, the investigating agency has invoked the provisions of Section 308 of the IPC in the present FIR.

6. The learned State counsel has also confirmed that, in fact, on 12.02.2024, the statement of injured Pawan Kumar was recorded under Section 161 Cr.P.C., wherein, he has specifically deposed that the petitioner caused injury on his head with a wooden stick/block, which he picked up from a nearby carpenter shop.

7. What further emanates from the statement (supra) of injured Pawan Kumar, which is read over in vernacular by the learned State counsel, is that, one of the co-accused Gaurav had also caused injury to him with a blunt weapon.

8. At this stage, the learned counsel for the petitioner submits that since the issue “whether the injury, which attracted the provisions of Section 308 of the IPC, was inflicted by the petitioner or not” is a debatable issue, therefore, the petitioner may be granted the asked for relief (supra). He further submits that the petitioner is serving in the Indian Army and just to exert pressure upon his family, he has been falsely implicated in the present FIR. Moreover, the marriage of the petitioner was fixed for 14.02.2024, however, owing to registration of the present FIR, the same could not be solemnized and has been postponed.

9. Notice of motion for 22.04.2024.

10. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

11. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

12. To be heard with CRM-M-11894-2024. ”

2. Learned State counsel, on instructions imparted to him by
ASI Harbhajan Singh, submits that the petitioner has already joined the

investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed**, and order dated 20.03.2024 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

April 22, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No