

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14659-2024
Date of Decision:16.04.2024

Achhi Sai @ Ashwani Kumar ...Petitioner

vs.

State of Punjab ...Respondent

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

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

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

Mr. Sumit Dua, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail to him in case FIR No.19 dated 02.03.2024 under Sections 307,323,324,325,326,341,506,34 of IPC, registered at Police Station Division No.4, District Jalandhar (Annexure P-1).
2. Learned counsel for the petitioner contends that the complainant has falsely alleged that the petitioner had exhorted his co-accused to cause injuries in the present case. He further submits that no injury has been attributed to the present petitioner nor he is shown to be armed with any weapon in the present case. Learned counsel further contends that Indi and Kittu, co-accused of the petitioner have already been arrested in the present case and all the injuries were allegedly caused by them. Learned counsel further contends that the petitioner is ready to join the investigation in the present case.

3. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the petitioner on the ground that the petitioner is father of the main accused, who had inflicted injuries with a sword. Learned counsel further contends that the injuries were caused to Tarun Gill at the instigation of the present petitioner.

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

5. In the present case, as per the case of the prosecution, the petitioner had raised a *lalkara* and had instigated his co-accused to cause injuries to Tarun Gill. Admittedly, the petitioner was not armed with any weapon and no specific injury has been attributed to him. Moreover, Indi and Kittu, who had allegedly caused injuries, have already been ordered to be arrested in the present case and in the considered opinion of this Court, the custodial interrogation of the petitioner may not be required, at this stage.

6. The present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 438 (2) of the Cr.P.C . It will be open for the Investigating Officer to call the petitioner to join the 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.

16.04.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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