

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-24195-2024
Date of decision: 09.07.2024

GURWINDER SINGH ALIAS SHANUPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

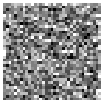
KULDEEP TIWARI. J.(Oral)

1. On 14.05.2024, this Court had passed the hereinafter extracted order,
upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.23 dated 12.02.2024, under Sections 323, 324 of the IPC (Section 34 of the IPC added subsequently vide Rapat No.24 dated 14.02.2024, and, Section 326 of the IPC also added subsequently vide Rapat No.25 dated 03.04.2024), registered at P.S. B Division, District Police Commissionerate Amritsar.

2. Succinctly stated, the allegation against the petitioner is that, he gave a datar blow to the son of the complainant, which hit on his left wrist, and, this injury was subsequently declared “grievous in nature”.

3. The learned counsel for the petitioner, in his asking for the relief (supra), submits that the present FIR is a result of concoction and premeditation because there is delay in lodging the present FIR. The alleged occurrence took place on 11.02.2024, whereas, the present FIR was registered on the next day, i.e. 12.02.2024. He further submits that, insofar as incorporation of offence under Section 326 of the IPC in the present FIR is concerned,



the same has also been added much belatedly, i.e. on 03.04.2024, and that too, on the opinion of a private doctor.

- 4. Notice of motion for 09.07.2024.
- 5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.
- 6. 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. ”

2. Reply by way of affidavit dated 09.07.2024, of Sh. Gurinderbir Singh, PPS, Assistant Commissioner of Police, East, Amritsar City has been filed on behalf of respondent-State. The same is taken on record. Copy of the same has been supplied to the opposite counsel.

3. Today, the learned State counsel on instructions imparted to him by ASI Gurmail Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 14.05.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

09.07.2024
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(KULDEEP TIWARI)
JUDGE

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