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**282 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-25336-2024

Date of decision: 27th August, 2024

Harvinder Singh @ Nikka

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Inderjit Sharma, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

Through the instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.129 dated 10.10.2023 registered under Sections 307, 326, 324, 341, 323, 148 and 149 of IPC, 1860 at Police Station Raman, District Bathinda.

2. Vide order dated 20.05.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. On 20.05.2024, the following order was passed in this case:-

“Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.129 dated 10.10.2023 registered under Sections 307, 326, 324, 341, 323, 148, 149 of IPC at Police Station Raman, District Bathinda.

Counsel for the petitioner inter alia contends that petitioner is falsely implicated in the present case and even otherwise only simple



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injuries are attributed to the petitioner. Counsel for the petitioner further submits that petitioner who is having no criminal antecedents is ready to join investigation and to cooperate with the police.

Notice of motion.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab accepts notice on behalf of the State and on instructions from ASI Gyan Chand submits that at the time of occurrence the petitioner was armed with handle of hand pump with which he caused simple injuries to Harman Singh. State counsel also apprised the Court that main accused Harjinder Singh @ Mungi, Rupinder Singh and Harmandeep Singh who caused grievous/dangerous to life injuries are already arrested in this case.

Mr. Kamaldip Singh Sidhu, Advocate puts in appearance on behalf of complainant and has filed power of attorney which is taken on record. Counsel for the complainant submits that petitioner was member of unlawful assembly which attacked complainant and caused 17 injuries to him at the instance of the present petitioner, who also actively participated in the occurrence. It is further submitted that no doubt other three accused are arrested but custodial interrogation of petitioner is also required for proper investigation in this matter.

Now be listed on 22.08.2024.

In view of the fact that three other main accused are already arrested and only simple injuries are attributed to the petitioner who is having no criminal history, the petitioner is hereby directed to join investigation with the police and in case of arrest, the petitioner is directed to be released on interim bail by the IO/Arresting Officer to his own satisfaction till the next date of hearing. The petitioner is to abide by the conditions as envisaged under Section 438(2) of Cr.P.C.”

3. As stated by learned State counsel, the petitioner has joined the investigation on 21.05.2024. The recovery of weapon of offence has also been effected from the petitioner. Copy of medico legal report has also been



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produced, as per which, the injuries which were attributed to the petitioner are simple in nature. The custodial interrogation of the petitioner is no more required. No recovery remains to be effected from him. The co-accused who had caused injuries which have been opined to be dangerous to life has since been arrested. No useful purpose would be served by detaining the petitioner in custody. Keeping in view the part attributed to him, without commenting on the merits of the case, the present petition is allowed and the order dated 20.05.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

27th August, 2024*Parveen Sharma*

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No