



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26585-2024
DECIDED ON: 24.05.2024

KAMAL SINGH ALIAS TINKUPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Gagandeep Kaur, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.104, dated 20.07.2023 (Annexure P-1), under Sections 323, 341, 324, 505 and 34 IPC (Section 326 IPC has been added later on), registered at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner contends that there is a delay of more than 2 days in registration of the FIR and as per the prosecution story, the injuries attributed to the present petitioner are blunt in nature and are on the non-vital part of the body. He further contends that no injury pertaining to the petitioner has been declared as grievous, thus, Section 326 IPC is not made out.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and on instructions from SI Tarsem Singh submits that injury No.1 has been declared as grievous in nature caused on the neck of the complainant with the back side of gandasa

and a reference has been made to the Medico Legal Report when countered by this Court he could not elaborate the nature of wound, its depth and any stitches.

In the light of above, this Court is of the considered opinion that in the absence of any wound pointed out in the Medico Legal Report despite allegations of causing injury with reverse side of the gandasa on the neck makes the prosecution story doubtful, which would not require custodial interrogation merely by adding Section 326 IPC in the FIR alone for which a *prima facie* case has to be produced by the prosecution even while opposing the concession of anticipatory bail if being granted to the petitioner.

In the light of aforesaid facts and circumstances, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

24.05.2024
Poonam Negi

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