



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

**CRM-M-29625-2024
DECIDED ON: 11.06.2024**

**JASWANT SINGH ALIAS GHAKAR SINGH
.....PETITIONER**

VERSUS

**STATE OF PUNJAB
.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Nirmaljeet Singh Sidhu, 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.58, dated 13.05.2024 (Annexure P-1), under Sections 452, 324, 323, 506, 148 and 149 IPC, registered at Police Station Sadar Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the instant FIR has been lodged on earlier dispute wherein some quarrel took place between the complainant and Gursember Singh @ Sember, Jaswant Singh @ Ghakarh, Akashdeep Singh @ Akash, Khushkarandeep Singh @ Khushkaran, Hardeep Singh @ Honey and four other unidentified persons. He further contends that the allegations given qua the beating to the complainant at the hands of the aforesaid persons, who had inflicted injuries is on account of aforesaid vengeance and therefore, the instant FIR came to be lodged. He further submits that the petitioner is ready and willing to join the investigation and cooperate with the Investigating Officer.

Notice of motion.

On the asking of the Court, Mr. Jaspal Singh Guru, AAG, Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Satinder Pal Singh submits that Section 326 IPC has been subsequently added after considering the medical opinion wherein injury No.2 has been declared as grievous in nature pointing out fracture in the shoulder of the complainant. He further submits that the said injury is attributed to Gursember Singh @ Sember son of Jaswant Singh @ Ghakarh but not to the present petitioner. He further contends that as per the version of the FIR, the role attributed to the petitioner is that he was armed with kirpan and gave injury on the head of the complainant but according to the medical opinion the said injury is declared to be simple in nature.

Mr. P.K.S. Phoolka, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record. He vehemently asserts for dismissal of the instant petition submitting that the petitioner has made a valiant attempt to murder the complainant while giving kirpan blow on his head but fortunately he was saved and suffered only simple injuries in that eventuality.

Be that as it may, considering the undertaking given by the petitioner that he will join the investigation and cooperate with the Investigating Officer and the medico legal report wherein the injury No.2 has been declared as grievous in nature which has been attributed to co-accused Gursember Singh @ Sember son of Jaswant Singh @ Ghakarh and specific role of the petitioner is confined only qua causing simple injury may be with kirpan on the head of the complainant, which is yet to be

investigated as to any kirpan blow has been given on the head of the complainant.

As far as the submissions made by learned State counsel qua addition of Section 326 IPC later on in the instant FIR is concerned, this Court is of the view that when anticipatory bail was filed by the petitioner before the trial Court at that time, the medico legal report was still awaited, however, now the MLR report stands received and Section 326 IPC stands added in the FIR but the injury attributed to the petitioner comes out only to be simple in nature and therefore, on that account, this Court has taken cognizance of the said assertion and the injury as well while considering the instant petition.

In the light of above, 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 allowed.

(SANDEEP MOUDGIL)
JUDGE

11.06.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No