

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

CRM-M-47860 of 2023

DATE OF DECISION :- 10.01.2024

Dilbagh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Bhawesh Chaudhary, Advocate for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

Mr. Kuldeep V. Singh, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 09.10.2023 the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.87 dated 22.08.2023 under Sections 326/354/323/506/34 of the Indian Penal Code, 1860 (IPC) registered at Police Station Bilga, District Jalandhar.

Learned counsel for the petitioner, at the outset, states that the injury qua Section 326 IPC is not attributed to the petitioner. Infact, the injuries caused to the brother of the complainant have been attributed to the petitioner and all the injuries have been declared as simple in nature. The learned counsel would further contend that present is a case of version and cross-version and injuries were also received by the petitioner and his family. It is further contended that the MLR pertaining to the petitioner is MLR No.17/23/NML/MB in which the doctor has mentioned a total of three injuries - one injury is recorded with sharp weapons and two injuries with blunt weapons.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

Learned counsel for the State on instructions from ASI-Avtar Lal has stated that the petitioner has also received injuries qua which MLR is also there on the police file. However, an FIR is yet to be registered. Learned counsel for the State is further not in a position to deny that the injuries attributed to the petitioner, which are stated to have been caused to the brother of the complainant, are all declared simple in nature.

List on 10.01.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

2. Learned State counsel on instructions from ASI Anwar Masih has stated that pursuant to the order dated 09.10.2023 , the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 09.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

6. Needless to say that anything observed herein above shall not

be construed to be an opinion on the merits of the case.

10.01.2024

(SUMEET GOEL)

JUDGE

P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No