

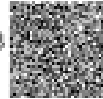
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 22.10.2024

...Respondent

N.S.Shekhawat J. (Oral)

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and his name had appeared in the disclosure statement of co-accused Satpal Singh. He further submits that in the present case, Satpal Singh and Davinder Singh were the main accused, who have been granted the concession of bail by this Court and the Court of Additional Sessions Judge, Fazilka, respectively. The orders granting bail to Satpal Singh and Davinder Singh were placed on record before this Court as Annexures P-2 and P-3 respectively. Learned counsel further contends that as per version of the

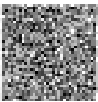


complainant, the petitioner was armed with handle of spade and gave two blows on the forehead and left thigh of father of the complainant-Diwan Singh. He also allegedly kicked on the private part of Diwan Singh. Learned counsel further contends that as per the medical record, all three injuries suffered by Diwan Singh were found to be simple in nature. He further contends that even the injury, which attracted the offence under Section 307 IPC, is not attributed to the present petitioner and he is the first offender. As per learned counsel, initially, the inquiry was conducted by Superintendent of Police, Headquarters and the petitioner was declared innocent. However, the Senior Superintendent of Police did not agree with the report submitted by Superintendent of Police (Headquarter) and the challan was presented against the accused in the present case.

3. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Jalalabad, District Fazilka has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the petitioner and he was part of unlawful assembly, which caused injuries to Diwan Singh.

4. I have heard rival submissions made by learned counsel for the parties and perused the record.

5. In the present case, no doubt, the injuries allegedly caused by the petitioner have already been declared to be simple in nature and the injury, which led to addition of offence Section 307 IPC, is attributed to his co-



accused. Still further, the co-accused Satpal Singh and Davinder Singh have already been ordered to be released on bail in the instant case. Even the custodial interrogation of the petitioner may not be required in the peculiar facts and circumstances of the present case.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

22.10.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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