

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CRM-M-62032-2023

Date of decision:07.02.2024

Harpreet Singh @ Bittu

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Sanjeev Kumar, Advocate for
Mr. Jitender Singh Dadwal, for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Vishal Sharma, Advocate, for the complainant.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.95 dated 25.10.2023, registered for the offences punishable under Sections 354, 323, 341, 506, 34 of IPC at Police Station Daba, District Ludhiana.

2. On 09.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No.95 dated 25.10.2023 registered for offences punishable under Sections 354, 323, 341, 506, 34 IPC at Police Station Daba, District Ludhiana; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Learned counsel for the petitioner, inter alia, contends that the injury attributed to the petitioner has been found to be simple in nature.

A status report has been filed by way of affidavit of Sh. Sandeep Wadehra, PPS, Assistant Commissioner of Police, Industrial Area-B, Ludhiana, in terms of order dated 21.12.2023 passed by this Court. The status report reads as under:-

“In the MLR of the complainant’s husband, the doctor has mentioned total five injuries i.e. (i) Lacerated wound on left frontal region; (ii) Abrasion over left forearm; (iii)

Swelling on right eye; (iv) Complaint of pain on abdomen; and (v) Complaint of urine in blood after injury. Out of these five injuries, four injuries were kept under observation by the doctor and the subsequent opinion dated 01.01.2024 rendered by the doctor is as follows:

Injury No.1 : Could not be determined for want of NCCT and Surgical Opinion

Injury No.2 : Simple

Injury No.3 : Could not be determined for want of NCCT and Surgical Opinion

Injury No.4 : Could not be determined for want of NCCT and Surgical Opinion

Injury No.5 : Could not be determined for want of NCCT and Surgical Opinion

Similarly in the MLR of the complainant, the doctor has mentioned total four injuries i.e. (i) Linear abrasion over right arm; (ii) Multiple abrasions over front of chest; (iii) Complaint of burring sensation at back of left ear; and (iv) Abrasion over left cheek. Out of these four injuries, two injuries were kept under observation by the doctor and the subsequent opinion dated 01.01.2024 rendered by the doctor is as follows:

Injury No.1 Simple

Injury No.2 Could not be determined for want of NCCT Chest

Injury No.3 Simple

Injury No.4 Could not be determined as NCCT Head not obtained.

Weapon used in both MLRs : Blunt”

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 07.02.2024.

The petitioner is directed to appear before the Investigating Officer on 17.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall

be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Jarnail Singh, has stated that pursuant to the order dated 09.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of above, the interim order dated 09.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. 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.
6. 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.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 07, 2024
poonam

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