

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-64784-2023
Date of Decision:16.04.2024

Jarnail Singh
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

On 21.12.2023, following order was passed by this Court:

“By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.145 dated 11.11.2023 registered under Sections 326, 148, 149, IPC at Police Station Kartarpur, District Jalandhar (Rural).

It is contended by learned counsel for the petitioner that it is the complainant party which had attacked the petitioner and his family members at his residence, in which his son, namely, Sukhwinder Singh and his daughter, namely, Sahibjadi were caused injuries as is mentioned in the FIR itself. Learned counsel further contended that by changing the place of occurrence, false FIR has been lodged. Even in that version, the petitioner is not attributed to have given any injury to the complainant.

Notice of motion.

Mr. Sarabjit Singh Cheema, AAG, Punjab, accepts notice on behalf of the respondent- State. Learned State Counsel concedes that it is a case of version and cross-version.

Adjourned to 12.03.2024 for filing status report.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Status report was filed on 12.03.2024 and it was informed by learned State counsel, on instructions from ASI Lakhwinder Jit Singh that petitioner had joined the investigation. However, it was alleged that as per the investigation, it is the petitioner who had caused injuries to Makhan Singh, attracting Section 326 of the IPC.

Today learned State counsel has placed on record additional affidavit of Shri Palvinder Singh, P.P.S., Deputy Superintendent of Police, Sub-Division Kartarpur, Jalandhar (Rural) dated 16.04.2024, along with the statement of Makhan Singh as per which petitioner Jarnail Singh attacked him with datar on head but in order to save himself he (Makhan Singh) put forward his right hand and in turn, the datar hit on the backside of thumb of his right hand. The copy of the MLR (Annexure R-2) also show an incised wound at base of right thumb dorsal side of Makhan Singh.

However, learned counsel for the petitioner has rightly drawn attention of this Court towards the contents of the FIR lodged on the statement of Kanwartek Singh that it is co-accused Sukhjinder Singh who was carrying the sword. In the said FIR, petitioner Jarnail Singh is not attributed to be holding any arms.

Be that as it may, even if the statement of Makhan Singh is taken at its face value, the injury attributed to the petitioner was caused only on the thumb of his right hand.

Having regard to the aforesaid facts and circumstances, when petitioner has already joined the investigation, but without commenting anything further on the merits of the case, order dated 21.12.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Disposed of.

April 16, 2024
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No