

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

Criminal Misc. No.M-19071 of 2011 (O&M)
Date of decision:30.06.2011

Hardeep Singh @ Sonu and others

...Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Veneet Sharma, Advocate, for the petitioners.

Mr. K.S.Sivia, DAG, Punjab.

K.Kannan, J. (Oral)

1. The petition has been filed by the petitioner seeking for anticipatory bail in case FIR No.87, dated 18.05.2011, under Sections 323/324/148/149 IPC and offences under Section 325, 326 IPC added later on vide dairy entry No.25(A), dated 25.05.2011, registered at Police Station Sultanwind, Amritsar City, District Amritsar. The incident is said to have taken place on 17.05.2011.

2. It was a case where even apart from the injuries suffered by the complainant on the basis of which a case has been registered against the petitioners, in respect of the very same incident, the 1st petitioner has also suffered injuries and was admitted in the hospital with injuries recorded as follows:-

“1. Incurred wound 2.7 x 0.5 cm obliquely is present over the middle of head 10.5 cm about the glabella. Margins are

clean cut. Fresh bleeding is present.

2. Incised wound 6.2 x 0.5 cm obliquely placed is present on the front to parietal region of (R side of head) 8.0 cm above the middle part of L eyebrow Margins are clear cut. Fresh bleeding is present.

3. Incised wound 2.1 x 0.6 cm obliquely placed is present between the web space between the thumb and index figure of L-hand 5.1 cm from the tip of thumb. Margins are clear cut. Fresh bleeding is present.”

The second petitioner has also received the following injuries:

“1. Lacerated wound measuring 2.4 cm on the pistolo lateral aspect of left arm in its middle 1/3rd.

2. Reddish abrasion measuring 5.4 cm on the posterior of left forearm in its upper 1/3rd.

3. Reddish abrasion measuring 2.5 x 0.4 cm on back of left scapula.”

3. The contention in the petition is that while the injuries suffered the petitioners were on vital parts of the body, the complainant had alleged to have suffered injury on the right forearm above elbow. The grievance of the petitioners is that the petitioners' own complaint against the complainant was not registered. It is reported that the complainant has also been discharged from the hospital after 4 days and the public prosecutor vouches to such fact.

4. The objection of the learned counsel for the State is that the weapon of offence has not been recovered yet. The injuries are not very

serious and I do not think that any serious prejudice could be caused if the petitioners are released and allowed the benefit of discretion of a Court for being released on bail if arrested. The interest of justice would be best met if the petitioners are directed to stay away from the village for at least for a period of two months and report to the Police Station Civil Lines, Amritsar, once in three days at 10 AM. The petitioners shall also be subjected to other conditions under Section 438 (2) of the Cr.P.C. as under:-

- i). that they shall make themselves available for interrogation by a police officer as and when required;
- ii). that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.
- iii). that they shall not leave India without the previous permission of the Court.

5. Petition is allowed as above.

(K. KANNAN)
JUDGE

30.06.2011
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