

(2021) 01 P&H CK 0345

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 3646 Of 2021

Sambhav Jain

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 27-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 324, 326, 341, 506
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2021) 01 P&H CK 0345

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Bipan Ghai, Sandeep Jain

Judgement

Arvind Singh Sangwan, J

The petitioner prays for grant of anticipatory bail in FIR No. 277 dated 06.11.2020, registered under Sections 323, 324, 341, 506, 34 of the IPC

(Section 326 IPC added later on) at Police Station Division No. 6, Ludhiana.

Learned senior counsel for the petitioner submits that initially the FIR was registered under Sections 323, 324, 341, 506, 34 of the IPC and since the

offences were bailable, the petitioner was released on bail. Thereafter, Section 326 IPC was added after about two months of registration of the FIR

and the police now seeks to arrest the petitioner.

Learned senior counsel further submits that the victim was never admitted to any hospital and after receiving first aid, he had left the hospital.

Learned senior counsel further submits that petitioner is ready to compensate the victim by paying him an amount of Rs. 50,000/- (Rupees Fifty

Thousand) towards his medical expenses, without prejudice to his right of defence.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab and Mr. Gagandeep Singh Virk, Advocate, who are also appearing through video conferencing, accept notice

on behalf of respondent-State and complainant, respectively.

Learned State counsel, assisted by learned counsel for the complainant, does not dispute the factual position as well as the fact that Section 326 IPC

was added after about two months of the registration of the FIR, however, it is submitted that injury, invoking Section 326 IPC, is attributed to

petitioner.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid submissions of learned

counsel for the parties, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged

under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing him a written notice in this regard.

However, this order shall be subject to a condition that petitioner will deposit a demand draft of Rs. 50,000/-, favouring victim Sahibaz Singh, with the

Illaqua Magistrate within a period of 15 days from today, which will further be handed over to said victim.

The payment of aforesaid amount by the petitioner to said victim shall cause no prejudice to his right of defence.