
(2012) 12 P&H CK 0185

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM-M No. 28106 of 2012 (O and M)

Kuldeep Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 3, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)
- Penal Code, 1860 (IPC) - Section 308, 323, 452

Citation: (2013) 1 RCR(Criminal) 359

Hon'ble Judges: Naresh Kumar Singh, J

Bench: Single Bench

Advocate: Manoj Kumar, for the Appellant; Harsimrat Rai, DAG, Punjab and Mr. B.S. Bhalla, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Naresh Kumar Singh, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner, Kuldeep Singh, son of Jasmail Singh, resident of Village Kale Ke, Tehsil Baghapurana, District Moga, who has been booked for having committed the offences punishable under Sections 308, 323 and 452, IPC, in FIR No. 98, dated 30.7.2012, registered at Police Station, Baghapurana, District Moga. The allegation against the petitioner is that on 22.7.2012, at about 7.00 p.m., he caused an injury on the backside of the head of the complainant, Jagjeet Singh, by means of a baseball bat. The alleged occurrence was witnessed by the father of the injured. The injured was admitted in the Civil Hospital at Baghapurana. On 22.7.2012, the doctor who attended the injured sent a memo (Ruqa) to the police with regard to the treatment of the injured.

2. Learned counsel for the petitioner submits that according to the prosecution the occurrence had allegedly taken place on 22.7.2012 at about 7.00 p.m., while the

matter was reported to the police on 30.7.2012 at 2.15 p.m. He further submits that even the Medico Legal Report of the injured/complainant, Jagjeet Singh, was prepared on 29.7.2012, without any explanation for conducting the MLR at such a belated stage. He further submits that, in fact, the injured had received the injury in some other incident and due to the family dispute, the petitioner has been named in the alleged occurrence. He further submits that whether the misdeed of the petitioner would attract the mischief of Section 308, IPC, would be a moot point during the course of the trial.

3. On the other hand, learned counsel for the State has conceded the fact that the FIR was registered on 30.7.2012 at 2.15 p.m. She further conceded that the MLR was prepared on 29.7.2012. She also admitted the fact that the father of the injured/complainant was an alleged eye-witness of the occurrence.

4. Learned counsel for the injured/complainant has vehemently opposed the prayer of the petitioner for grant of anticipatory bail. He further submitted that the injured/complainant, Jagjeet Singh, was unconscious, and he was not in a position to make the statement, therefore, delay had occurred in reporting the matter to the police.

5. Heard.

6. Concededly, there was a bickering going on between the family of the injured/complainant and that of the petitioner. The only allegation against the petitioner is that he had caused the injury on the backside of the head of the injured/complainant, Jagjeet Singh, by means of a baseball bat. Initially the FIR was registered under Sections 323 and 452, IPC, but later on the offence punishable u/s 308, IPC, was added. The occurrence alleged to have taken place on 22.7.2012, which was witnessed by the father of the injured/complainant, but he did not lodge the report with the police for eight days. Even the MLR was recorded after seven days of the alleged occurrence. Without commenting much on the merits of the case, the present petition is allowed. In the event of the arrest of the petitioner, Kuldeep Singh, son of Jasmail Singh, resident of Village Kale Ke, Tehsil Baghapurana, District Moga, he shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall join the investigation as and when required to do so and abide by all the conditions laid down u/s 438(2), Cr.P.C.