

CNR No: PBJL010041532023

CIS No: BA/1782/2023

Present: Sh.Jatinder Singh Basra, Advocate, for the applicant.
Sh.Gurpreet Singh, Additional PP for the State with ASI
Harwinder Singh

Police record produced. Learned Additional PP for the State has stated that offences under Section 325 of IPC has been added later on. On this account, learned counsel for applicant/accused has moved an application for adding offence under Section 325 of IPC along with amended bail application in this regard. Copy supplied. Application shall stand allowed in the interest of justice.

1. Heard. Learned counsel for applicant/accused Harjinder Singh @ Shelly pressed for anticipatory bail on the ground that applicant/accused has been falsely implicated by the police because complainant has nowhere specifically alleged any infliction of injuries on the part of applicant/accused, though in the last lines, he has also mentioned that applicant/accused has also given fist blows. He further raised the submission that alleged occurrence took place on 20.01.2023 and FIR was registered on 28.01.2023 and there is unexplained delay of 8 days. He further contended that nothing is required to be recovered from the possession of applicant/accused, though he is ready to join investigation. He further submitted that no notice has been served upon applicant/accused under Section 41 (A) of Cr.P.C. and prayed for protection and bail on these grounds.

2. Learned Additional PP for the State opposed the bail application on the ground that applicant/accused has also given fist blows being member of an unlawful assembly, who has also inflicted other injuries on the persons of injured Ajay Kumar and ors. He prayed for dismissal of the bail application.

3. After hearing their respective submissions and perusal of the record reveals the fact that complainant Ajay Kumar has leveled allegations against various persons in regard to infliction of injuries on his person as well as to Vikram and Jaspal, whereas, it has been alleged that present applicant/accused has given fist blows. No specific fist blow has been allegedly given on each part of the body of the injured even in the FIR. As such, allegations levelled in the FIR has yet to be established in regard to infliction of injuries on the persons of injured. Furthermore, present case has been got registered in bailable offences, whereas, offences under Sections 325/326 of IPC have been added lateron. Keeping in view all these facts and circumstances, when the allegations against the applicant/accused has yet to be established during the trial, he deserves protection, though he is bound to join the investigation. As such, applicant/accused is ordered to join investigation and in case of his arrest, he be released on interim bail by the I.O./SHO to his own satisfaction subject to compliance of provisions of Section 438 Cr.P.C. However, applicant/accused is ordered to cooperate with the Investigating Agency and that he would not leave the country without prior permission of the

Court. Now the bail application is to come up on 06.04.2023 for report, record and arguments.

Date of Order:31.03.2023

manjit singh

(Dharminder Paul Singla)
Additional Sessions Judge, Jalandhar
UID No.PB00083