

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-1946 of 2015 (O&M)
Date of decision: 24th February, 2015

Mandeep Singh alias Lucky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, DAG, Punjab,
for the respondent(s)-State.

INDERJIT SINGH, J.

Petitioner has preferred this petition under Section 438 Cr.P.C., seeking anticipatory bail in cross case registered vide DDR No.17 dated 21.10.2012, registered at Police Station Kalanour, District Gurdaspur, under Sections 307, 452, 148, 149 IPC and Sections 25 and 27 of the Arms Act in main case FIR No.96 dated 19.10.2012, registered at Police Station Kalanour, District Gurdaspur, under Sections 307, 324, 323, 148, 149 IPC and Sections 25 and 27 of the Arms Act.

Notice of motion was issued.

Learned State counsel has appeared and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel and have gone through the record.

As per prosecution version, it is a case of version and cross version. Though, the petitioner is stated to be armed with iron

rod but no injury is attributed to him. In this cross version case, fire arm injury has been attributed to Bhupinder Singh and the complainant has not suffered any other injury. The FIR is of the year 2012 and it is stated that earlier, the inquiry was being conducted, therefore, the petitioner was not arrested or joined in the investigation. The challan against co-accused has already been presented and the trial is pending before the Court of Sessions. No injury has been attributed to the petitioner in the cross-version case and it is still to be determined as to who is the aggressor. The petitioner is not required for any custodial interrogation. No useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case and without discussing the facts of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted. It is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

24th February, 2015
mamta

(INDERJIT SINGH)
JUDGE