

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-24349 of 2015
Date of Decision: August 20, 2015

Sat Pal and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kuldip Sanwal, Advocate
for the petitioners.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in cross case registered vide DDR No.10 dated 08.01.2015 in case FIR No.90 dated 22.08.2014 under Sections 326, 323, 324, 452, 148 and 149 IPC, registered at Police Station Sadar Gurdaspur, District Gurdaspur.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that earlier two bail applications have been got dismissed as withdrawn by the petitioners and this is the third bail application. It is clear from the record that it is a case of version and cross-version. The FIR was registered by the petitioners' side for the occurrence which took place on 15.08.2014. The cross-

version has been got registered against the present petitioners on 08.01.2015.

Learned counsel for the petitioners argued that it is a delayed and concocted version. It is also stated that Sat Pal petitioner No.1 has also suffered multiple injuries and one of the injury on his person has been declared as grievous. Further, simple injury is attributed to petitioner No.1 Sat Pal whereas petitioner No.2 Moti Ram @ Joti was stated to be armed with *danda* only.

In view of the above, I find that it is case of version and cross-version. It is yet to be determined on the basis of evidence as to who was the aggressor party. Only simple injury is attributed to petitioner No.1 Sat Pal and petitioner No.2 Moti Ram @ Joti was stated to be armed with blunt weapon. Only one grievous injury has been suffered by the complainant side in cross-version, which has been attributed to non-applicant/petitioner.

Keeping in view the facts and circumstances of the preset case, I find merit in the present petition and the same is allowed. It is ordered that, in the event of arrest, the petitioners be released on anticipatory bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so. It is also ordered that petitioner will not tamper with the evidence and will not leave the country without prior permission of the Court.

August 20, 2015
Vgulati

(INDERJIT SINGH)
JUDGE