

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-27459-2015
Date of decision:4.9.2015

Anil Kumar @ Nani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Gautam Thapar, Advocate for the petitioner.
Ms.Anmol Grewal, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in cross-version case under Sections 326/325/324/323/148/149 IPC (under Section 307 IPC added later on) in FIR No.52 dated 13.4.2014 under Sections 323/324/452/148/149 IPC registered at Police Station Division No.2, Jalandhar.

Learned counsel for the petitioner submits that the complainant is an accused in FIR No.52 dated 13.4.2014 recorded under Sections 323/324/452/148/149 IPC. When the complainant of the cross-version case entered into the house of the complainant in FIR case, petitioner as well as other accused of the cross-version case acted in their self defence. Petitioner also suffered injuries. He further submits that since the prosecution evidence is yet to start, conclusion of the trial will take pretty long time. He prays for allowing the petition.

On the other hand, learned counsel for the State, on instructions from ASI Parminder Singh, Police Station Division No.2, Jalandhar, submits that since the allegations against the petitioner are serious and direct, he is not entitled for the concession of bail pending trial. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar fact situation of the present case, petitioner has been found entitled for concession of bail pending trial.

It is a matter of record that the complainant in the cross-version case, who is accused in the FIR case, is guilty of an offence under Section 452 IPC besides other offences. In such a situation, contention raised by the learned counsel for the petitioner seems to be justified that petitioner and his other accused in the cross-version case might have acted in their right of self defence. It will be a debatable issue before the learned trial Court whether petitioner exceeded his right of self defence or not. Further since the prosecution evidence is yet to start, conclusion of the trial will take long time.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

4.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE