

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-36232-2015

Date of decision: 02.11.2015

Prince and anr.

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Mehta, Advocate for the petitioners.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners seek bail pending trial in cross-version case in FIR No.52 dated 13.04.2014 under Sections 307, 323, 324, 325, 326, 148, 149 IPC, registered at Police Station Division No.2, District Jalandhar.

Learned counsel for the petitioners refers to the FIR No.52 dated 13.04.2014 at page 6 of the paper book, to contend that initially out of the same incident, this FIR was registered against the complainant of cross-version case, on the statement made by Smt. Kaushalya Devi who is mother-in-law of petitioner No.2 and grandmother of petitioner No.1. Thereafter, as a counter-blast thereof, petitioners were also sought to be made accused in cross-version got registered by the complainants who have already been granted the concession of pre-arrest bail. He further submits that once the complainants of the cross-version case came in front of the house of the petitioners and then entered inside their houses, petitioner, if at all, caused an injury to the complainant Jaspreet Singh only, while exercising their right of self-defence. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Ravinder Singh, Police Station Division No.2, Jalandhar, submits that petitioners have clearly exceeded their right of self-defence, while causing serious injuries to the Jaspreet Singh. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the present case, petitioners have been found entitled for bail pending trial. It is so said because in the circumstances of the case, it will be a debatable issue before the learned trial Court, as to whether the petitioners, as a matter of fact, exceeded their right of self-defence or not.

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

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

02.11.2015
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