

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-37270 of 2014
Date of Decision:- 20.02.2015

Sikander Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Sukhdeep Singh Sidhu, Advocate,
for the petitioner.**

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.**

**Mr. K.B.S. Mann, Advocate
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a case registered against him along with his other co-accused Gurnaib Singh, Harbans Singh and others, vide FIR No.101 dated 07.07.2014, on accusation of having committed the offences punishable under Sections 324, 323, 148 and 336 read with Section 149 IPC (the offences punishable under Sections 307 and 120-B IPC were later on added), by the police of Police Station Nathana, District Bathinda.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. What cannot possibly be disputed here is that only single simple injury, on the person of complainant Gurjant Singh, is attributed to the present petitioner. He did not repeat the injury. Likewise, the interim bail was granted to enable him, to join the investigation, by virtue of order dated December 04, 2014, by a Co-ordinate Bench of this Court (Jaishree Thakur, J.).

5. At this stage, on instructions from investigating officer, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation. There is no history of his previous conviction in any other criminal case. Even, since the charges have not yet been framed against the accused, so, the final conclusion of trial will naturally take a long time. Moreover, it is a case of version and cross-version. Which of the party was the aggressor, inter-alia, would be the moot to be decided during the course of trial, after acceptance of the evidence, by the trial Court.

6. Not only that, Harbans Singh and Noora Khan, similarly situated co-accused of the petitioner, were granted the concession of anticipatory bail, by means of order dated 04.12.2014, by a Co-ordinate Bench of this Court (Jaishree Thakur, J.). Therefore, I see no reason not to grant the concession of pre-arrest bail to the present petitioner under

the same set of circumstances as well.

7. In the light of aforesaid reasons and taking into consideration the totality of peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this Court.

February 20, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE