

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

CRM No.M-37918 of 2014

Date of Decision:- 09.01.2015

Sohan Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Dheeraj Mahajan, Advocate, for the petitioner.

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

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a cross-case registered against him along with his other co-accused, vide DDR No.30 in FIR No.44 dated 08.06.2014, on accusation of having committed the offences punishable under Sections 324 and 323 read with Section 34 IPC (the offence punishable under Section 326 IPC was later on added), by the police of Police Station Kalanaur, District Gurdaspur.

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. During the course of preliminary hearing, the following order was passed by this Court on November 11, 2014: -

“Learned counsel, inter alia, contended that in fact the complainant party has caused multiple injuries including injuries on the head of Amar Singh (co-accused of the petitioner) and the main criminal case was registered against them. The argument is that complainant Kulwant Singh is an influential person and has falsely implicated the petitioner in the present cross-case by fabricating the injuries. The argument further proceeds that all the injuries attributed to the petitioner are simple in nature and the main injury subject matter of offence punishable under Section 326 IPC is attributed to other main co-accused Amar Singh (non-petitioner) on non vital part. Moreover, the controversy involved in the instant petition is stated to be identical to the one raised and decided, vide order dated 04.08.2014 in CRM-M No.24777 of 2014 (Annexure P-7) and by virtue of order dated 02.09.2014 in CRM-M No.28112 of 2014 (Annexure P-8).

Heard.

Notice of motion be issued to the respondent, returnable for 26.11.2014.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Sardul Singh, 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, at this stage. There is no history of his previous involvement in any other criminal case. Moreover, it is a case of cross version and triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. Not only that, Daljit Singh, Mehar Singh and Amar Singh,

similarly situated co-accused of the petitioner, were granted the concession of anticipatory bail, vide order dated 04.08.2014 in CRM-M No.24777 of 2014 (Annexure P-7) and by way of order dated 02.09.2014 in main CRM-M No.28112 of 2014 (Annexure P-8) respectively. Therefore, in that eventuality, I see no reason not to extend the same benefit of pre-arrest bail to the present petitioner under the similar set of circumstances as well.

7. In the light of aforesaid reasons and taking into consideration the totality of facts and 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.

January 09, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE