

CRM No.M-42072 of 2014
CRM No.M-43084 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM No.M-42072 of 2014

Pritam Singh ..Petitioner

Versus

State of Punjab ..Respondent

(2) CRM No.M-43084 of 2014

Jasbir Singh @ Jassa and another ..Petitioners

Versus

State of Punjab ..Respondent

Date of Decision: - 11.02.2015

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. S.S. Rangi, Advocate, for the petitioners.

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

Mr. Karamjit Verma, Advocate, for the complainant.

MEHINDER SINGH SULLAR, J.(oral)

As identical points to grant the concession of anticipatory bail to the petitioners or otherwise, are involved, therefore, I propose to dispose of indicated criminal petitions bearing CRM No.M-42072 of 2014 titled Pritam Singh Vs. State of Punjab (for brevity “the 1st petition”) and CRM-M No.43084 of 2014 titled Jasbir Singh @ Jassa and

another Vs. State of Punjab (for short “2nd petition), arising out of the same case/FIR, by means of this common order, to avoid the repetition of facts.

2. Petitioners have preferred the instant separate petitions for the grant of anticipatory bail, in a case registered against them along with their other co-accused, vide FIR No.199 dated 11.10.2014, on accusation of having committed the offences punishable under Sections 452, 323, 324, 506 and 148 read with Section 149 IPC (the offences punishable under Sections 325 & 326 IPC were added later on), by the police of Police Station Sahnewal, District Ludhiana.

3. Notices of the petitions were issued to the State.

4. 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 petitions for anticipatory bail deserve to be accepted in this context.

5. During the course of preliminary hearing, the following order was passed by this Court on December 10, 2014, in 1st case :-

“Learned counsel, inter alia, contended that the petitioner has been falsely implicated in this case of version and cross-version in order to wreak vengeance, in which, three persons from petitioner's side sustained injuries at the hands of complainant's party. Moreover, simple injury is attributed to the petitioner.

Heard.

Notice of motion be issued to the respondent, returnable for 24.12.2014.

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.”

6. Sequelly, similar order was also passed on December 17, 2014 in 2nd petition as well, by this Court.

7. At the very outset, on instructions from ASI Hazoor Singh, learned State Counsel, has acknowledged the relevant factual matrix and submitted that the petitioners have already joined the investigation. They are no longer required for further interrogation, at this stage. There is no history of their previous conviction in any other criminal case. Petitioner Satinder Pal Singh @ Prince is stated to be a student of B.Tech. It is not a matter of dispute that simple injuries are attributed to petitioners-accused Pritam Singh and Jasbir Singh @ Jassa. Moreover, it is a case of version and cross-version, in which, petitioners Pritam Singh and Satinder Pal Singh @ Prince have also sustained injuries at the hands of complainant's party. Which of the party was the aggressor, *inter alia*, would be the moot point, to be decided during the course of trial, after acceptance of the evidence, by the trial Court. Above-all, the offences alleged against the accused are 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.

8. 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 petitions for anticipatory bails are accepted.

The interim bails already granted to the petitioners, by virtue of indicated

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orders of this Court, are 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 petitions for anticipatory bails. At the same time, in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of their bail, in this Court.

February 11, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE