

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

**Criminal Misc.No.M-4680 of 2015
Date of Decision: February 18, 2015**

Jhirmal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Karambir Singh Kahlon, Advocate,
for the petitioner.

Mr.Shilesh Gupta, Addl.AG, Punjab.

Mr.A.S.Manaise, Advocate,
for the informant.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner, Jhirmal Singh, who has been booked for having committed the offences punishable under Sections 148, 323, 324, 325 and 326 read with Section 149, IPC, in a case arising out of FIR No.107, dated 24.09.2014, registered at Police Station, Shrihargobindpur, District Gurdaspur.

Learned counsel contends that it is a case of version and cross-version between two brothers and their families; the quarrel had taken place on the main road in front of their respective houses; the grievous injuries received by Shiv Dev and Pragat Singh (injured belonging to the informant side) at

the hands of Mohan Singh and Kaka; the petitioner has been attributed the simple injuries on the right leg and right bicep of Shiv Dev Singh and Pragat Singh respectively; the applicability of Section 149, IPC, would be a moot point during the course of trial; and that Manpreet Kaur and Mohanjinder Singh belonging to the petitioner side had received as many as seven injuries including two grievous injuries at the hands of the informant side of the case in hand.

Learned counsel for the State has not controverted the above factual aspects raised by learned counsel for the petitioner however, on instructions from ASI Santokh Singh, Police Station, Shrihargobindpur, District Gurdaspur, submits that the cross case registered at the behest of the petitioner side has not been found to be correct by the police.

Learned counsel for the informant has also opposed the pre-arrest bail to the petitioner.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Without going into the controversy with regard to the case and cross-case, this Court finds that Manpreet Singh and Mohanjinder Singh belonging to the petitioner side had received as many as seven injuries including the injuries

attracting the mischief of Sections 325 and 326, IPC, in the same incident. Shiv Dev Singh and Pragat Singh, the informant and his son, had received the grievous injuries at the hands of Mohanjinder and Kaka (non-applicants). The petitioner has been attributed simple injuries by means of *tangli* on the person of Shiv Dev Singh and Pragat Singh and that applicability of Section 149, IPC, would be a moot point during the course of trial and as such, the present petition is allowed.

In the event of his arrest, the petitioner shall be admitted to bail subject to his furnishing bail bonds to the satisfaction of the arresting officer.

The petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions as laid down in Section 438(2), Cr.P.C.

February 18, 2015
seema

(Naresh Kumar Sanghi)
Judge