

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

CRM-M-9256 of 2015
Date of Decision:23.04.2015

Simranjit Singh and anotherPetitioners
Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Ravi Malhotra, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in the cross case version registered vide DDR No.25 dated 20.12.2012.

2. On the statement of Daljit Singh S/o Mohan Singh resident of village Chamari, First Information Report No.149 dated 18.12.2012 under Sections 307, 323, 148 and 149 of the Indian Penal Code (for short, 'IPC') was registered at Police Station Bhogpur District Jalandhar. Two days later the cross version of Jaswinder Singh was recorded wherein he stated that infact Daljit Singh and others were the assailants during the occurrence that had taken place on 17.12.2012 at 8:15 p.m. The petitioners Simranjit Singh and Sharanjit Singh @ Manpreet Singh were also named as assailants by Jaswinder Singh in his cross version. During investigation, the petitioners were found to be innocent and their names were mentioned in column No.2 of the final

report submitted by the prosecution under Section 173 Cr.P.C. Subsequently, during trial, after statement of Jaswinder Singh was recorded, an application invoking the provisions of Section 319 Cr.P.C the petitioners were ordered to be summoned as additional accused.

Pursuant to their summoning, the petitioners filed an application for anticipatory bail which was dismissed by learned Additional Sessions Judge vide order dated 24.12.2014.

3. Heard the submissions made by Mr. Ravi Malhotra, Advocate representing the petitioners and Mr. Ashish Sanghi, DAG, Punjab representing the State.

4. Admittedly, it is a case of cross version. In the statement of Daljit Singh on the basis of which First Information Report No.149 dated 18.12.2012 was registered, he had alleged that during the occurrence Kuldeep Singh and others were the assailants whereas, in the cross version, Jaswinder Singh alleged that Daljit Singh and others had forcibly entered his house and attacked on them. The injuries suffered by the injured in the case registered by Daljit Singh etc were more serious/grievous than the injuries suffered by Jaswinder Singh etc. The accused in both the cases, already challaned, are stated to be on bail. The present petitioners have been summoned as additional accused under Section 319 Cr.P.C. Nothing is to be recovered from the petitioners.

5. Thus considering the aforesaid facts and circumstances and and without expressing any opinion on the merits of the case, the

present petition is allowed. The petitioners will appear before the trial court and submit their bonds to the satisfaction of trial Court. The petitioners shall abide by the conditions:

i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and

(iii) they shall not leave India without the prior permission of the Court.

April 23, 2015
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(SNEH PRASHAR)
JUDGE