

**207**

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

**C.R.M-M No.16699 of 2016  
Date of Decision : 10.08.2016**

Joginder Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Ms. G.K. Mann, Advocate  
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Vishal Goyal, Advocate  
for Mr. J.S. Thind, Advocate  
for the complainant.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 438 Cr.P.C. for  
grant of anticipatory bail to the petitioners in case FIR No.35 dated  
07.03.2016, registered under Sections 323, 324, 506, 148, 149 IPC, at

Police Station Sadar Amritsar, District Amritsar and Section 326 added later on on 29.03.2016.

On 26.05.2016 the following order was passed:-

*“Originally prayer in this petition was for grant of anticipatory bail to accused petitioners Joginder Singh and Harjit Singh in case FIR No.35 dated 7.3.2016 under Sections 323,324,506,148,149 IPC, (326 IPC added later on on 29.3.2016)PS Sadar Amritsar.*

*At the time of hearing learned counsel for the petitioners presses the petition only on behalf of accused-petitioner no.1 Joginder Singh as relief qua petitioner no.2-Harjit Singh has become infructuous in the light of his arrest after filing of the present petition.*

*It is contended that for the occurrence on 3.3.2016 at around 12 pm, there is a version and cross version. It is next contended that cross version is still under investigation qua the injuries suffered by petitioner no.1 including three incised wounds. It is contended that there is a dispute regarding construction over a plot between two parties who are related to each other. Both the parties claim to be in lawful possession of the plot. It is next contended that petitioner no.1 is a 60 years old man and allegedly armed with a datar and has inflicted a blow on the left side of the forehead of complainant- Sukhwinder Singh which has been opined to be grievous in nature.*

*Learned State counsel submits that petitioner-Joginder Singh is yet to join investigation.*

*Adjourned to 26.7.2016 for further consideration.*

*In the meanwhile, petitioner-Joginder Singh shall appear before the I.O., as and when called upon for investigation. In the event of arrest, he shall be released on interim bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioner shall also be bound by all the conditions stipulated in Section 438 (2) Cr.P.C. ”*

Learned Additional Advocate General on instructions from H.C. Rajesh Kumar has accepted that there is a cross version; that the petitioner No.1 also received three incised wounds; that the son of the petitioner No.1 has been arrested and released on regular bail; that the petitioner No.1 has joined the investigation and that the petitioner No.1 is a man of 60 years of age.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner No.1 in the present case. Ordered accordingly.

Resultantly, the interim order dated 26.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed qua petitioner No.1.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**August 10, 2016**  
*ashish*

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No