

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

205

**CRM-M-18754-2016
Date of Decision : 29.07.2016**

Dalbir Singh @ Balbir Singh and others

..... Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. M.S.Saini, Advocate
for the petitioners.

Ms. A.K.Khurana, Addl. A.G., Punjab
on behalf of respondent.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioners under Section 438 Cr.P.C. in a Cross Version U/s 324,323, 34 IPC and 326 IPC (later on added) in case FIR No.37 dated 20.05.2014, registered at Police Station Sadar Batala, District Gurdaspur.

On 26.05.2016 the following contentions were noticed:-

“Prayer is for grant of anticipatory bail to the petitioners, namely, Dalbir Singh @ Balbir Singh, Baldev Singh, Nirmal Singh and Gurdev Singh in the Cross

Version registered in case FIR No.37 registered with Police Station Sadar, Batala, District Gurdadspur.

It is alleged that the cross version has been recorded under Sections 323, 324, 34 IPC and Section 326 IPC added later on.

The cross version has been got recorded by Hardev Singh with the allegations that the petitioners-accused armed with Dattar etc., had given beatings to him resulting into three injuries upon him as per MLR Annexure P-3.

The role attributed to the petitioners is as under:-

- (i) Petitioner no.1-Dalbir Singh @ Balbir Singh raised Alarm/Lalkara.*
- (ii) Petitioner no.2-Baldev Singh - Armed with handle of spade and gave a blow on left side of shoulder.*
- (iii) Petitioner no.3-Nirmal Singh - Armed with Dattar and gave blow on left side of forehead of Hardev Singh.*
- (iv) Petitioner no.4-Gurdev Singh - Armed with Dattar and hit on left leg of Hardev Singh*

It is contended that the alleged injury attracting the offence under Section 326 IPC is attributed to Gurdev Singh (petitioner no.4) who himself has suffered two injuries including the one grievous in nature. It is next submitted that the similarly placed accused Hardev Singh and others in the version case has been granted anticipatory bail.”

On instruction from ASI Manjit Singh, learned Addl. A.G., Punjab accepts these factual assertions.

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 petitioners.

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

July 29, 2016
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No