

CRM-M-20648-2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

**CRM-M-20648-2016 (O&M).
Decided on: August 23, 2016.**

Dalip and others

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.C.B.Goel, Advocate, and
Mr.Yogesh Goel, Advocate,
for the petitioners.**

Mr.C.S.Bakshi, Addl. A.G., Haryana.

M.M.S. BEDI, J. (ORAL)

Petitioners No.1 to 4 seek concession of pre-arrest bail in a case registered at the instance of Baljeet Singh alleging that while the complainant along with 4-5 other persons was returning back after loading fodder in tractor, they were attacked by Balraj Singh, Dalip Singh, Mahinder Singh, Baljit Singh, Lal Chand and 15-20 other people.

So far as petitioner No.1 Dalip is concerned, he has been attributed a gandasi blow on the hand of the complainant resulting in grievous injury. Petitioner Nos.2 and 4 have not been attributed any specific injury. Petitioner No.3 is alleged to have given a gandasi blow on the head of the complainant resulting in simple injury.

Since petitioner No.5, had been arrested after filing of this petition, his petition had been dismissed having become infructuous on 9.6.2016.

After hearing the counsel for the petitioners No.1 to 4 and going through the record, it transpires that it is a case of cross-version in which at the instance of Lal Chand from the side of petitioners, a case under Section 307 IPC, has been registered against the complainant party. On the basis of said fact, counsel for the petitioners submit that the petitioners should be granted the concession of pre-arrest bail as it is a case of version and cross-version. The aggressor party is yet to be determined on the basis of the evidence to be led during the course of trial. Petitioner No.1 is 72 years of age and is claimed to have been falsely implicated in the case.

I have considered the contentions of the learned counsel for petitioners No.1 to 4 as well as the State counsel. I am of the opinion that it will be pre-mature, at this stage, to determine the culpability of the petitioners on appreciation of evidence or the material available on the record. Since petitioner Nos.2, 3 and 4 have been attributed simple injuries and they have joined investigation, they can be granted the concession of pre-arrest bail.

Petition qua Mam Chand, Balwan Singh and Mukhpal Singh, petitioner Nos.2, 3 and 4 respectively, is allowed. It is ordered that in case of arrest of petitioner Nos.2, 3 and 4, they will be released on bail to the satisfaction of the arresting officer subject to the condition that they will join investigation as and when required and will not tamper with the evidence or hamper investigation, in any manner.

So far as petitioner No.1 Dalip is concerned, without expression of any opinion regarding his culpability, keeping in view the grievous nature of the injury attributed to him, no extra ordinary exceptional

CRM-M-20648-2016 (O&M)

circumstances exist to grant him the concession of pre-arrest bail. The pleas taken by him may constitute a good ground for the grant of regular bail.

The petition qua petitioner No.1 Dalip Singh is, thus, dismissed. However, petitioner No.1 may seek the benefit of regular bail by surrendering before the Illaqua Magistrate or the investigating officer and by filing bail application before the Court of competent jurisdiction. It is expected that the court concerned shall consider the application for regular bail of petitioner No.1 within 2-3 days.

(M.M.S. BEDI)
JUDGE

August 23, 2016.
rka

Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No