

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

**1. CRM-M No.21234 of 2016 (O&M)
Date of Decision : 06.09.2016**

Harjinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

2. CRM-M No.21238 of 2016 (O&M)

Gurpreet Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.P.Kaushal, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Liaqat Ali, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This order shall dispose of above referred two petitions. For the sake of convenience the facts are being taken from CRM-M-21234 of 2016.

These petitions have been filed for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C. in case FIR No.167 dated 30.10.2015 registered under Sections 323/341/506/34 IPC (offence under Section 326 IPC added later on) at Police Station Dehlon.

On 08.07.2016 the following order was passed in ***CRM-M-21234 of 2016 :-***

“Petitioner Harjinder Singh along with Gurpreet Singh and Gurdial Singh is alleged to have assaulted Jaswinder Singh. Injury on the right eye of Jaswinder Singh which was found grievous has been attributed to Gurdial Singh who has been granted the concession of regular bail by a Coordinate Bench of this Court on 22.6.2016 in CRM-M-21263 of 2016.

Counsel for the petitioner submits that the petitioner Harjinder Singh has not been attributed the grievous injury and that the offence under Section 326 IPC was added later on.

Notice to the Advocate General, Punjab, for 19.8.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 16.7.2016. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer. ”

On 08.07.2016 the following order was passed in **CRM-M-21238 of 2016 :-**

“Petitioner is attributed an injury with iron rod on the head of Jaswinder Singh.

Counsel for the petitioner submits that the injury has been declared simple and the co accused of the petitioner who was attributed grievous injury has been granted the concession of regular bail.

Notice to the Advocate General, Punjab, for 19.8.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 16.7.2016. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.”

Learned counsel for the petitioners has argued that the injuries attributed to both the petitioners were simple injuries and the person to whom grievous injury was attributed was arrested and has been released on regular bail.

Learned Additional Advocate General on instructions from

SI Baljinder Singh has accepted these facts.

Learned counsel for the complainant has, however, argued that the complainant was attacked by the petitioners and they all had common intention.

Be that as it may, keeping in view the fact that the petitioners were attributed only simple injuries, I do not deem it appropriate to deny them the concession of anticipatory bail.

Resultantly, both the petitions are allowed. The interim orders dated 08.07.2016 are made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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

06.09.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No