

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-30050 of 2016

Date of decision : October 25, 2016

Inderjit Singh alias Raghu

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. LS Sekhon, Advocate, for the petitioner
Mr. J.S.Brar, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Inderjit Singh @ Raghu in this anticipatory bail under section 438 Cr.P.C. are that on 6.6.2016 he along with his co-accused had assaulted the victim Hanish Kumar and Suminder Singh with baseball bats.

Learned counsel for the petitioner submits that similarly placed co-accused non-applicant Sandeep Singh alias Mental and Vikas Kumar alias Cobra have already been allowed relief in this case and that only simple injury is attributed to the petitioner and thus has sought to put doubt to the very applicability of section 307 IPC.

Though on behalf of the State, Mr. Brar assisted by ASI Pawan Kumar has not controverted the factual aspect but has sought to oppose the bail application.

Keeping in view the principle of parity and that the very applicability of section 307 IPC is a debatable issue, it would be traversity

of justice to send the petitioner behind bars, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

October 25, 2016

'tiwana'

**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No