

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

CRM No.M-31865 of 2016 (O&M)

Date of decision: October 27, 2016

Dalbir Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

Mr. M.D.S.Gill, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioners-Dalbir Singh and Sukhwinder Singh have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.25 dated 13.06.2016, registered at Police Station Qila Lal Singh, District Gurdaspur, under Sections 323, 324, 326, 34 of Indian Penal Code.

Notice of motion was issued in this case.

Mr. M.D.S.Gill, Advocate has put in appearance on behalf of the complainant and Mr. Mikhail Kad, Asstt. Advocate General, Punjab appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the parties and have gone through the record.

From the record, I find that it is a case of version and cross-version. The accused side also received injuries from the other side. As

regarding Dalbir Singh, only *lalkara* has been attributed to him and no

injury has been attributed to him. He was not armed with any weapon. In the FIR, it is simply written that Dalbir Singh gave hand blow, but in the MLR no such injury is there. As regarding Sukhwinder Singh, an injury has been attributed to him with *tangli* on the chest of the complainant, but as per the MLR the injury is stated to be complaint of pain only.

Moreover, the petitioners have already joined the investigation in compliance of order dated 08.09.2016, passed by this Court. They are not required for custodial interrogation. No useful purpose would be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 08.09.2016, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

October 27, 2016

rajesh.k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No