

CRM-M-32313-2016

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

CRM-M-32313-2016

Date of Decision: 28.09.2016

Malkit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S.Salar, Advocate,
for the petitioner.

Ms. Shivali, AAG, Punjab.

Mr. Vijay Kumar, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.80 dated 11.07.2016, registered at Police Station Bhikhi, District Mansa, under Sections 324, 323 and 34 PC (Section 324 IPC was deleted and Section 326 IPC was added vide DDR No.17 dated 05.08.2016).

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the petitioner; learned State counsel as well as learned counsel for the complainant and have gone through the record.

As per the version of prosecution, the present petitioner was

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stated to be armed with *kirpan* and gave grievous injury on the nose of the complainant. Learned counsel for the petitioner argued that there is a delay of 5 days in recording the FIR and the present petitioner has been falsely implicated in the present case. As argued by learned counsel for the petitioner, it is a case of version and cross-version. Even two persons from the petitioner's side have already been injured in the occurrence.

Keeping in view all these facts; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that it is a case of version and cross-version and it is still to be determined as to who is the aggressor party and two persons from the petitioner's side also stated to be injured in the occurrence. In the facts and circumstances of the present case, I find that the petitioner is not required for custodial interrogation and no useful purpose would be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

28.09.2016

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No