

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

Date of Decision: 08.12.2016.

CRM-M No.40736 of 2016

Kuldeep Singh and anotherPetitioners.

VERSUS

State of PunjabRespondent.

AND

CRM-M No.42471 of 2016

Gurbhej Singh and othersPetitioners.

VERSUS

State of PunjabRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

Mr. Vivek K. Thakur, Advocate for the complainant.

SNEH PRASHAR, J.

The petitioners are wanted in case bearing First Information Report No.83 dated 21.09.2016 under Section 323, 324, 452, 506, 148, 149 (307/308 added later) of the Indian Penal Code (for short, "IPC") registered at Police Station Fattudhinga, District Kapurthala. Apprehending their arrest, they had moved the above captioned two petitions for being given the

As the matter has been opened for arguments, learned counsel for the petitioners submits that Lakhwinder Singh (petitioner No.2 in CRM-M-40736-2016) has since been arrested by the police and therefore, the petition for anticipatory bail on his behalf be dismissed as infructuous.

Ordered accordingly.

In CRM-M-42471-2016 learned counsel for the petitioners submits that he does not press the petition on behalf of Manpreet Singh (petitioner No.2) and the same be dismissed.

Ordered accordingly.

The story of the prosecution is that due to some previous enmity, petitioner Kuldeep Singh and his co-accused had attacked on Subheg Singh, brother of complainant Ajaib Singh with *gandasi*, swords and datter etc. When Ajaib Singh went to rescue his brother he too was caused injuries. The cross version of petitioner Kuldeep Singh has also been recorded by the police according to which it is the complainant party who had attacked on the petitioner and his associates.

Producing the relevant medical documents, it is submitted by learned counsel for the petitioners that out of five injuries suffered by petitioner Kuldeep Singh, injuries No.1 and 2 were opined to have been caused with a sharp edged weapon and injury No.1 as per the X-ray report has been declared grievous.

It is further submitted by learned counsel that no injury suffered by Subheg Singh, which have been declared dangerous to life, was attributed to the petitioner. As regards petitioner Gurbhej Singh and Mohinder Singh, learned counsel contends that the injury suffered by

injury attributed to Mohinder Singh was said to have been inflicted from the reverse side of sword. Since it is a case of cross version and the petitioners have also suffered injuries, they be given the benefit of anticipatory bail.

On the other hand, learned State counsel, resisting the prayer of the petitioners for anticipatory bail, submits that as per the First Information Report, petitioner Kuldeep Singh and his companions were the assailants and the cross version got recorded by Kuldeep Singh is being enquired into.

As referred to by learned counsel for the petitioners himself, accusation of the prosecution is that petitioner Gurbhej Singh inflicted an injury on the ear of Subheg Singh with a sharp edged weapon. Petitioner-Mohinder Singh gave a gandasi blow which from the reverse side hit on the left ear of Subheg Singh. Considering the said facts and circumstances and without going into the merits, no case for grant of anticipatory bail to petitioners Gurbhej Singh and Mohinder Singh is made out and their petition CRM-M-42471-2016 is dismissed.

Anyhow, the fact remains that it is a case of cross version. The injury suffered by petitioner Kuldeep Singh on his fingers was caused with a sharp edged weapon which has been declared grievous and has attracted the provisions of Section 326 IPC against the complainant and his associates. None of the injuries suffered by Subheg Singh was attributed to petitioner Kuldeep Singh. Accordingly, petition CRM No.40736 of 2016 qua petitioner Kuldeep Singh is allowed. In the event of his arrest, he will be admitted to anticipatory bail to the satisfaction of the Arresting Officer, subject to the following conditions:-

- (1) that he shall make himself available for interrogation by the Investigating Officer as and when required;

(2) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(3) that he shall not leave India without prior permission of the Court.

Petitioner Kuldeep Singh will appear before learned trial Court within 30 days from the date he is admitted to bail by the Arresting Officer and will file an application for regular bail. On his doing so, he will be admitted to bail on furnishing bonds to the satisfaction of learned trial Court.

(SNEH PRASHAR)
JUDGE

08.12.2016
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Whether speaking/ reasoned : Yes

Whether Reportable : No