

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

CRM-M-42467-2016

Date of decision: December 19, 2016

Chota Khan and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder S. Lucky, Advocate
for the petitioners.

Mr. R.P.S. Sidhu, AAG, Punjab
for the respondent-State.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 438 of Code of Criminal Procedure, petitioners have sought pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.37 dated 13.07.2016, under Sections 452, 447, 323, 148, 149 IPC, registered at Police Station Mullanpur.

Concededly, injuries attributed to the petitioners fall within the ambit of Section 323 IPC being simple alleged to have been caused with blunt weapon. Otherwise also, it is a version and cross-version case as the petitioners also sustained injuries at the instance of the complainant-party. Not only this, even after two days of the occurrence, another occurrence took place between the parties, in which, petitioners sustained injuries. Thus, it is yet to establish as which of the party was an aggressive one. Similarly, there is also a debatable question as to which of the parties is in possession of the plot which is the subject matter between the parties.

Taking into consideration the aforesaid aspects of the case but without expressing any opinion on merits, petition is allowed. In the event of arrest, petitioners shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C:-

- 1. that the petitioners shall make himself available for interrogation by a police officer on 18.01.2017 or as and when required;*
- 2. that the petitioners 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;*
- 3. that the petitioners shall not leave India without the previous permission of the Court.*

December 19, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No