

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

**CRM-M No.472 of 2016 (O&M)
Date of Decision: 23.02.2016**

Varinder Singh @ Binder @ Binda and another

..... Petitioners

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. H.S.Dhindsa, Advocate for the petitioners.

Mr. R.S.Randhawa, Additional Advocate General, Punjab
for the respondent/State assisted by ASI Ravinder Singh.

Mr. R.S.Mamli and Mr. Munish Gupta, Advocates for the complainant.

JASWANT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail under Section 438 Cr.P.C. to both the petitioners, namely, Varinder Singh @ Binder @ Binda and Jagir Singh in case FIR No. 101 dated 05.12.2015, under Sections 148, 379, 323, 341, 149 of the Indian Penal Code, registered with Police Station Haryana, Distt. Hoshiarpur, added offence under Section 308 IPC.

It is submitted that from the reading of the FIR, it is apparent that the other party has come at the site of the saw-mill of the present accused party.

It is further submitted that even if the allegations are taken on its face value, it cannot be inferred that there was pre-meeting of minds while the altercation occurred on the spur of moment. It is next submitted that petitioner No.1-Varinder Singh @ Binder @ Binda is attributed a single *Iron Rod* blow on the arm of the complainant-Bharat Bhushan and petitioner No.2-Jagir Singh attributed single blow on back of the complainant i.e. on non vital parts of the body. It is also submitted that fatal injury attracting Section 308, IPC is attributed to co-accused/non-applicant Surinder Singh.

It is also stated to be a version and cross-version since co-accused Surinder Singh, who in turn along with co-accused Ashok Kumar have suffered head injuries.

It is lastly argued that the petitioners have since joined the investigations and their custodial interrogation is no longer required.

Learned State Counsel, assisted by ASI Ravinder Singh, concedes that the petitioners have joined the investigation.

In view of the above, interim protection/pre-arrest bail granted by this Court, vide order dated 08.01.2016, is made absolute.

Disposed of.

February 23, 2016

Gagan

**(JASWANT SINGH)
JUDGE**