

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

Cr. Misc. M 5983 of 2016
Date of decision: 7.4.2016

Gurdeep Singh and ors

Petitioners

vs.

State of Punjab

Respondent

Present: Mr. PS Dhaliwal, Advocate.
Mr. Jashanpreet Singh, AAG, Punjab

M.M.S.BEDI,J.

The petitioners are accused in a cross version case, whereas the original FIR was registered at the instance of Nirmal Singh petitioner No.2 alleging that Gurbachan Singh, Bahadur Singh, Jaswant and Gurpreet Singh had assaulted him and caused injuries. As per the cross version, recorded at the instance of Gurcharan Singh, it was Nirmal Singh and others, who had assaulted Gurbachan Singh and others. Petitioner No.2 Nirmal Singh armed with a sword has been attributed a grievous injury on the eye of Gurbachan Singh.

In view of the grievous injury having been attributed to petitioner No.2 Nirmal Singh, I do not find any ground to grant pre-arrest bail to him. Petitioners 1 and 3, namely, Gurdeep Singh and Karamjit Singh having joined the investigation and not required for any other purpose, can be granted the concession of bail.

The petition qua petitioners 1 and 3, namely, Gurdeep Singh and Karamjit Singh, respectively, is **allowed** and it is ordered that in case of their arrest, they will be released on bail to the satisfaction of the arresting officer subject to the condition that they will join the investigation

as and when required by the police and will not tamper with evidence or hamper the investigation.

Counsel for the petitioner has contended that Gurcharan Singh and Harbhajan Singh had been attributed injuries on the person of Nirmal Singh but they have been granted the concession of pre-arrest bail.

I have heard counsel for the petitioner and I am of the opinion that taking into consideration the nature of the injury attributed to petitioner No.2 Nirmal Singh, though in cross version case, the circumstances may warrant grant of regular bail to the petitioner on the basis of the arguments raised by counsel for the petitioners, but no extra ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to him. Petition qua petitioner No.2 Nirmal Singh is **dismissed**. It is hereby observed that petitioner No.2 may avail the remedy of regular bail on the basis of the arguments raised before this court following the principle of parity. In case petitioner No.2 surrenders before the Illaqa Magistrate or the investigating agency, it will be appreciated in case his application for regular bail is finally disposed of expeditiously, preferably within a period of 2/3 days by the court of competent jurisdiction.

April 7 ,2016
TSM

(M.M.S.BEDI)
JUDGE