

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

(212)

CRM-M-886-2016

Decided on: February 02, 2016.

Satnam Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Ms. G.K. Mann, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a cross-version case. As a matter of fact, the original FIR was registered at the instance of petitioner himself alleging that Satta, Bahadur, Sukhdev, Jinder, Kali and Joginder had attacked him.

The cross-version was recorded after some days at the instance of Karnail Singh alleging that the petitioner along with Satnam Singh, Jaswinder Singh and Bikkar had inflicted injuries on the person of complainant and his brother Satta Singh. So far as petitioner is concerned, he has been attributed an injury with 'kirpan' on the elbow of Satta Singh.

Learned counsel for the petitioner has submitted that the cross-version was recorded after the period of one month of the occurrence.

On the instructions of ASI Bhag Singh, learned State counsel informs that the cross-version was found to be not substantiated with sufficient material.

It has been informed that the cancellation of cross-version had not been accepted by the higher authorities as such both version and cross-version will be subject matter of the trial.

Considering all the above said circumstances, it appears that both the parties have received injuries. It will certainly be a debatable issue as to which of the parties was an aggressor. All the accused in the main case have been granted concession of regular bail. The incident pertains to the year 2013.

In view of said circumstances, the petition is allowed. It is ordered that in case of arrest of petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

1. Petitioner will join investigation as and when required by the investigating agency;
2. Petitioner will not tamper with the evidence or hamper the investigation in any manner; and
3. Petitioner will not commit similar offence of which he is accused of during pendency of the trial.

In case of violation of any of the conditions, it will be open to the prosecution agency or opposite side to seek cancellation of the bail.

(M.M.S. BEDI)
JUDGE

February 02, 2016
harsha