

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-12291 of 2017

.....

Date of decision:1.8.2017

Sukhwinder Singh and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. Rohit Ahuja, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General,
Punjab for the respondent-State.

Mr. Vikas Bali, Advocate for the complainant.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in DDR/Rapat No.19 dated 29.5.2016 registered for the offences under Sections 323, 324, 325, 326, 148 and 149 IPC in FIR No.45 dated 29.5.2016 registered for the offences under Sections 324, 326, 427 and 34 IPC at Police Station Bholath, District Kapurthala.

Notice of motion has been issued in this case.

Mr. Gaurav Garg Dhuriwala, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Vikas Bali, learned Advocate appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned

State counsel appearing for the respondent-State and have gone through the record.

From the record, I find that it is a case of version and cross-version. It is yet to be decided by the trial Court as to who was the aggressor party on the basis of evidence. As per the complainant's version, the petitioners were armed with 'Datar' and had inflicted injuries on non-vital parts on the persons of Jasbir Singh and Gurjinder Singh.

The petitioners have already joined the investigation. They are not required for custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 7.4.2017 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 1, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No