

CRM-M-19256-2017

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

CRM-M-19256-2017

Date of Decision: 27.07.2017

Shiv Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vipul Aggarwal, Advocate,
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Shiv Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in cross case vide DDR No.20 dated 08.05.2014, under Sections 323, 324, 506, 148 and 149 IPC and Section 326 IPC, added later on, in FIR No.26 dated 06.05.2014, registered at Police Station Fatehgarh Churian, District Batala, under Sections 323, 451, 506, 427, 323, 148 and 149 IPC.

Notice of motion has been issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition. Police record is also available.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that it is a case of version and cross-

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version and the petitioner has sought the concession of anticipatory bail in cross-version. The petitioner has also received simple injuries in the occurrence. It is yet to be determined by the trial Court on the basis of evidence as to who is the aggressor party.

In pursuance of the interim order dated 25.05.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. *Datar* has already been recovered from him. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 25.05.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner 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.

27.07.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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