

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

(1)

Crl. Misc. No.M-22006 of 2017 (O&M)

Date of Decision: July 25, 2017

Partap Singh @ Kairon

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

(2)

Crl. Misc. No.M-23071 of 2017 (O&M)

Harjit Singh @ Bittu

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parveen K. Kataria, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

Mr. D.S. Sobti, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.24 dated 22.02.2017 registered for the offences punishable under Sections 323, 325, 308, 148 read with Section 149 of

Indian Penal Code, at Police Station Majitha, District Amritsar (Rural).

Heard.

Learned State counsel on instructions from ASI Surjeet Singh submits that petitioners have joined the investigation, which is still in progress but their custodial interrogation is no more required.

Learned counsel appearing for complainant submits that it is a serious case, where the police has connived with the accused because of their affiliation with ruling political party. He submits that the complainant had suffered serious head injury and had to undergo brain surgery. The petitioners have also got registered cross-case three months after the occurrence, wherein the doctors have given opinion that the injuries as described in the cross-version were self suffered.

The role of petitioner Partap Singh @ Kairon in the occurrence as alleged is that he had caught hold of complainant to enable Vikramjit Singh and petitioner Harjit Singh @ Bittu to cause injuries on his person. Injury attributed to petitioner Harjit Singh is simple in nature.

Without going into the controversy as raised by learned counsel for the complainant about political affiliation of petitioners with ruling party; keeping in view role attributed to petitioner Partap Singh @ Kairon and petitioner Harjit Singh @ Bittu and that matter is still under investigation for which custodial interrogation of the petitioners is not required, the aforementioned petitions are allowed. Order dated 15.06.2017 passed in CRM-M-22006 of 2017 and order dated 06.07.2017 passed in CRM-M-23071 of 2017 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

July 25, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***