

CRM-M-22719-2017

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

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Date of Decision: 14.07.2017

Bahadar Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ashok Kumar Khunger, Advocate,
for the petitioner.

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

Mr. Sukhdep Singh Sidhu, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioners-Bahadar Singh and Sukhmander Singh have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case DDR No.5 dated 29.04.2017, under Sections 341, 323, 148, 149 and 308 IPC (Section 308 IPC added later on), Police Station Phul, District Bathinda, in FIR No.53 dated 28.04.2017, registered under Sections 308 and 34 IPC, at Police Station Phul, District Bathinda.

Notice of motion was issued in this case. Learned State

counsel put in appearance on behalf of the respondent-State and the

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complainant also appeared through his counsel. They contested this petition.

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

From the record, I find that first of all, it is a case of version and cross-version. The petitioners are stated to have caused simple injuries, though on the vital part of body i.e. head. The petitioners are not the main accused, rather Jagsir Singh is the main accused.

It is argued by learned counsel for the petitioners that petitioner No.1 has also received injuries under Section 308 IPC.

Keeping in view the facts and circumstances of the present case and in view of the fact that it is a case of version and cross-version and it is yet to be determined by the trial Court as to who is the aggressor party, I find that no useful purpose will be served by sending the petitioners to custody. Therefore, finding merit in this petition, the same is allowed. It is ordered that in the event of arrest, the petitioners be released on anticipatory bail subject to their furnishing personal bonds and surety each to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.07.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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