

CRM-M-23116-2017

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

CRM-M-23116-2017

Date of Decision: 17.08.2017

Davinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Jagjit Singh, Advocate,
for the petitioner.

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

INDERJIT SINGH, J.

Petitioner-Davinder Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in cross-case GD No.42 dated 09.03.2017, under Sections 324 and 34 IPC and Section 326 IPC added later on in case FIR No.20 dated 09.03.2017, registered at Police Station Dhilwan, District Kapurthala, under Sections 324 and 34 IPC.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

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

Learned counsel for the petitioner contended that it is a case of

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version and cross-version and the petitioner has also received injuries.

Learned State counsel stated that main FIR has been found to be false during the investigation and police is going to file cancellation report.

As per the record, it is a cross-version and the present petitioner is stated to have caused injury with *datar* on the left elbow of the complainant. Copy of MLR of injured-Rajinder Singh has been produced on record wherein Board of doctors has opined that possibility of friendly hand in this case cannot be ruled out.

In pursuance of the interim order dated 05.07.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. 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 05.07.2017, 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.

17.08.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

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