

**CRM-M-26659-2017 and
CRM-M-28175-2017**

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

Date of Decision: 01.09.2017

1. CRM-M-26659-2017 (O & M)

Harjinder Singh @ Babu and another

... Petitioners

Versus

State of Punjab and another

... Respondents

AND

2. CRM-M-28175-2017 (O & M)

Sarabjit Singh @ Sunny and others

... Petitioners

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Naveen Batra, Advocate,
for the petitioners in both the petitions.

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

Mr. Surinder Singh Siao, Advocate,
for respondent No.2/complainant.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-26659-2017, filed by
petitioners-Harjinder Singh @ Babu and Jaswinder Singh @ Bablu and

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CRM-M-28175-2017, filed by petitioners-Sarabjit Singh @ Sunny, Jasveer Singh @ Shera and Erandeep Singh @ Vicky, under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.87 dated 13.08.2016, registered at Police Station Bullowal, District Hoshiarpur, under Sections 323, 325, 506, 148 and 149 IPC and Section 379 IPC added subsequently.

Notice of motion was issued in both these petitions. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested both these petitions.

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 simple injuries have been attributed to petitioners, Harjinder Singh @ Babu and Jaswinder Singh @ Bablu. So far as petitioner No.1 in CRM-M-28175-2017, namely Sarabjit Singh @ Sunny, is concerned, grievous injury with blunt weapon near left eye has been attributed to him. The only offence under Section 379 is non-bailable. It is a case of version and cross-version. 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 orders dated 26.07.2017 passed in CRM-M-26659-2017 and 03.08.2017 passed in CRM-M-28175-2017, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending petitioners to custody.

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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 both these petitions and the same are allowed. The orders dated 26.07.2017 passed in CRM-M-26659-2017 and 03.08.2017 passed in CRM-M-28175-2017, granting interim bail to the petitioners, are 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.

01.09.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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