

CRM-M-31395-2017

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

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Date of Decision:12.10.2017

Paramjit Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioners.

Mr. K.S.Aulakh, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioners-Paramjit Singh and Charan Singh @ Channa 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 cross version dated 27.01.2017, under Sections 324, 148 and 149 IPC and Section 326 IPC added later on, of FIR No.10 dated 25.01.2017, registered at Police Station Chohla Sahib, District Tarn Taran, under Sections 452, 323, 341, 506, 427 and 148 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 petitioners as well as learned State counsel and have gone through the record.

From the record, I find that the petitioners are seeking

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anticipatory bail in cross-version. It is a case of version and cross-version and it is to be determined by the trial Court on the basis of evidence as to who is the aggressor party.

As per the prosecution version, both the petitioners were armed with *kirpans*. Petitioner No.1-Paramjit Singh caused grievous injury on the right elbow of Jasbir Singh whereas petitioner No.2-Charan Singh @ Channa caused simple injury on the right leg of Rajwinder Singh.

Learned counsel for the petitioners argued that petitioner No.1 has also received grievous injuries which fall under Section 325 IPC.

In pursuance of the interim order dated 31.08.2017 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Weapon of offence has already been recovered, as submitted by learned State counsel. Therefore, no useful purpose will be served by sending the petitioners 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 31.08.2017, granting interim bail to the petitioners, is 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.

12.10.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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