

CRM-M-35290-2017

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

CRM-M-35290-2017 (O & M)

Date of Decision:22.09.2017

Rattan Lal and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Dheeraj Mahajan, Advocate,
for the petitioners.

INDERJIT SINGH, J.

CRM-30498-2017

Instant application has been filed under Section 482 Cr.P.C. for addition of Section 326 of IPC in the head-note as well as prayer clause of the main petition.

Learned counsel for the petitioner submitted that due to typographical omission, Section 326 of IPC could not be mentioned in the head-note as well as prayer clause of the petition and prayed that the same be read in the head-note and prayer-clause of the petition.

Heard.

In view of the grounds mentioned in the application, the same is allowed. Registry is directed to add Section 326 of IPC in the head-note as well as prayer clause of the petition and necessary additions in this regard be made.

CRM-M-35290-2017

CRM-30129-2017

Allowed as prayed for, subject to all just exceptions.

CRM-M-35290-2017

Petitioners-Rattan Lal, Seeta Devi and Surinder Singh have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.49 dated 31.07.2017, registered at Police Station Bhaini Mian Khan, District Gurdaspur, under Sections 324, 326 and 34 of IPC.

Notice of motion has been issued in this case.

On the asking of Court, Mr. A.P.S.Gill, DAG, Punjab has accepted notice on behalf of respondent-State.

Mr. Arun Abrol, Advocate has also appeared and filed power of attorney on behalf of the complainant, which is taken on record.

Learned State counsel as well as learned counsel for the complainant have 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 as per the prosecution version, petitioner No.3-Surinder Singh raised a *lalkara*. The allegation against petitioner No.2-Seeta Devi is that she caught hold of the complainant and allegation against petitioner No.1-Rattan Lal is that he was armed with *sota* and gave its blow to complainant-Ashok Kumar. The said injury has been declared as simple one. The grievous injury is attributed to non-applicant, Jeevan Jyoti @ Jyoti. It is a case of version and cross-version and it is yet to be determined by the trial Court on the basis of evidence as to who is the aggressor party. Moreover, petitioner No.1-Rattan

CRM-M-35290-2017

Lal has suffered grievous injury in this case.

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 that the petitioners are not required for custodial interrogation and, therefore, no useful purpose will be served by sending the petitioners to custody. Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds and surety 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.

22.09.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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