

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

CRM No.M-4 of 2017 (O&M)

Date of Decision: 15.02.2017

Sukhwinder Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J.

This order shall dispose the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.149, dated 05.11.2015, under Sections 323/324/326 read with section 34 IPC, registered at Police Station Chattiwind, District Amritsar.

While issuing notice of motion on 04.01.2017, the following order was passed by this Court:

“The petitioners seek pre-arrest bail in case FIR No.149 dated 5.11.2015 under Sections 323, 324, 326 read with Section 34 IPC, Police Station Chattiwind, District Amritsar.

As per the allegations in the FIR, petitioner No.1 has been attributed datar blow on the forehead of complainant Avtar Singh and a datar blow on the head of Randeep Singh (nephew of complainant), whereas, petitioner No.2 has been attributed a datar blow on the right knee of the complainant and a baseball blow on the forehead of Randeep Singh.

Ld. Counsel contends that the alleged incident is dated 30.10.2015, whereas, the FIR was lodged on 5.11.2015 i.e. after a delay of six days. He states that it is a case of cross-version as the mother of the petitioners also suffered a head

injury in the incident, but their version was not recorded by the Police. He further states that father of the petitioners, namely Roshan Singh, who is also alleged to have caused the injuries to the complainant and his nephew, was arrested and subsequently granted regular bail.

It is stated that petitioner No.2 is a juvenile and student of 10th standard. His date of birth is 22.11.2000 as depicted in the Aadhar Card and School Certificate (Annexures P-3 and P-4), whereas, petitioner No.1 is 19 years old.

Notice of motion for 15.2.2017.

Meanwhile, in the event of arrest, the petitioners Sukhwinder Singh and Kulwinder Singh shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the condition provided under Section 438(2) Cr.P.C. The petitioners are also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel upon instructions from HC Palwinder Singh apprises the Court that the petitioners have since joined investigation, the weapons used in the alleged occurrence are stated to have been recovered and a stand has been taken that they are not required for any custodial interrogation.

Prayer is allowed. Order dated 04.01.2017 passed by this Court is made absolute.

Disposed of.

15.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |