

CRM-M-4847-2017

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

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Date of Decision: 15.03.2017

Rajesh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. P.S.Ahluwalia, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. N.S.Shekhawat, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner-Rajesh Kumar 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 case FIR No.06 dated 05.01.2017, registered at Police Station Passiana, District Patiala, under Sections 307, 323, 324, 379-B, 506, 148 and 149 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also appeared through his counsel. They contested this petition.

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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 it is a case of version and cross-version. The present petitioner has been named in the FIR and stated to be armed with sword. Two simple injuries have been attributed to him i.e. one on the head of the complainant and other on the arm of Janga Gir.

Learned counsel for the petitioner argued that it is a case of version and cross-version, but his cross-version has not been recorded though three persons including the present petitioner have suffered injuries on the vital parts of the body. Learned counsel also argued that the present petitioner has received six injuries including injury on the head.

In pursuance of the order dated 20.02.2017, the petitioner has already joined the investigation. He is not required for custodial interrogation.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details; without expressing any opinion on the merits of the case and in view of the facts that accused side has also received injuries; it is stated to be a case of version and cross-version and it is yet to be decided on the basis of evidence by the trial court as to who is the aggressor party, I find that no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. The order dated 20.02.2017, granting interim bail to the petitioner, is made absolute. However, the

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shall abide by the conditions of Section 438 (2) Cr.PC.

15.03.2017
parveen/rajesh k. khurana

(INDERJIT SINGH)
JUDGE

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