

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-6973 of 2017

Date of decision : April 20, 2017

Ravi

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sanjay Gupta, Advocate, for the petitioner
Mr. Gurveer Sidhu, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Ravi in this anticipatory bail under section 438 Cr.P.C. are that on 5.1.2016 a fight had taken place between Sikandar Lal, Balbir Chand, Harkishan and Usha Rani and Jaswinder Kaur and as a consequence of which Harikishan, Balbir Chand and Sikander Lal gave injuries to Rajan, Usha Rani and Jaswinder Kaur and there are counter allegations that these persons have too caused injuries to other side.

The allegations against petitioner Ravi are that after the registration of the FIR it has been revealed that Ravi at the time of occurrence has been armed with kirpan and also caused injuries.

The contentions of the counsel for the petitioner are that the petitioner is not named in the FIR and it is after so many days name of the petitioner has cropped up and is thus based on false and fabricated grounds and it is a case of version and cross-version.

The learned State counsel on instructions from ASI Ajit Singh has submitted that the lone grievous injury is on index finger of right hand, non-vital part and it is a case of version and cross-version but has stoutly opposed the bail on the grounds that specific role is attributed to the petitioner.

Appreciating the submissions of the two sides, the alleged injury so stated to be grievous is on non-vital part of the complainant and being a case of version and cross-version, the question as to which party was aggressor will be adjudicated only after the trial.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

April 20, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No