

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

(1)

**Crl. Misc. No.M-6981 of 2017 (O&M)
Date of Decision: October 25, 2017**

Suminder Preet Singh

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

(2)

Crl. Misc. No.M-8637 of 2017 (O&M)

Gurmail Singh

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mandeep Kaushik, Advocate
for the petitioner in CRM-M-8637-2017 and
proxy for Mr. Gaurav Singla, Advocate
for the petitioner in CRM-M-6981-2017.

Mr. C.L. Pawar, Sr. D.A.G. Punjab.

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

SURINDER GUPTA, J.(Oral)

Both the aforementioned petitions have been filed under
Section 438 Code of Criminal Procedure for grant of anticipatory bail to the
petitioners in case FIR No.06 dated 18.01.2017. registered for the offences
punishable under Sections 323, 324, 341, 506 read with Section 34 of

Indian Penal Code(for short-IPC) and 326 IPC added later on, at Police Station Hathur, District Ludhiana.

Heard.

As per the allegations in the FIR, the occurrence took place on 12.01.2017 when the brother of complainant objected to defecating-urinating by the dog of petitioner Suminder Preet Singh in front of his house. In the occurrence, complainant Krishan Kumar received one injury on the face while his brother Jagdish Kumar had received two injuries, out of which one was declared grievous. Injury attributed to Suminder Preet Singh has been declared simple in nature while grievous injury on the person of Jagdish Kumar and complainant have been attributed to Gurmail Singh.

Learned counsel for the petitioner submits that it is a case of version and cross-version. While referring to the MLR of Suminder Preet Singh, he submits that he had suffered one injury i.e. incised wound on the left parietal region, which was declared simple as no fresh bone injury was seen. Petitioner Gurmail Singh also suffered two injuries which were also declared simple in nature. The matter was reported to the police with a delay of six days and it is yet to be ascertained during investigation as to which was aggressor party.

Learned State counsel submits that both the petitioners have joined the investigation, which is still in progress but their custodial interrogation is not required for the purpose of further investigation as weapon of offence has also been recovered.

Learned counsel for the complainant opposed the grant of bail

to the petitioners submitting that the injury on the person of Jagdish Kumar was grievous in nature and has been attributed to Gurmail Singh. Regarding the delay in reporting the matter to the police, learned counsel for the complainant submits that both the injured were admitted in hospital and could not report the matter to the police in time.

Though the delay is not a factor to be seen at this stage but keeping in view the fact that it is a case of version and cross-version in which both the parties have suffered injuries and the investigation is still in progress to find as to which party was aggressor, both these petitions are allowed. Orders dated 15.03.2017 passed in both the petitions are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

October 25, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***