

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

**CRM-M-109-2018
Date of Decision: 26.03.2018**

Talwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HONBLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. L.M. Gulati , Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. P.S. Ahluwalia, Advocate,
for the complainant.

SUDIP AHLUWALIA J. (ORAL)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking anticipatory bail in case FIR No.93 dated 31.10.2017, registered under Sections 323, 325, 427, 341, 506, 148 and 149 of the Indian Penal Code, (for short, 'the IPC') at Police Station Bhadson, District Patiala.

Heard both sides.

Perused the medical documents placed on record on behalf of the complainant pertaining to injuries suffered by the victims Harpreet Singh and Darshan Singh. It is contended on behalf of the State as well as the complainant that instead of the offence under Section 308 IPC, the appropriate Section ought to have been 307 considering the number and extent of injuries inflicted upon the victims.

On the other hand contention on behalf of the petitioner is that he himself suffered a fracture injury in the concerned occurrence which therefore would indicate that violence took place from both sides.

At any rate, it is undeniable that all the injuries suffered by the victims from either side, were by blunt weapons.

In these circumstances, this Court is of the opinion that custodial interrogation if at all required to be of both the sides involved or otherwise they should be treated on parity in the interest of fair investigation. The petitioner may therefore be released on bail to the satisfaction of Investigating Officer, who shall, however, be at liberty to approach this Court again for cancellation of bail, if any additional tangible material emerges.

Disposed off.

March 26, 2018
Divyanshi

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes

1. Whether reportable: No