

CRM-M-15206-2018

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

CRM-M-15206-2018 (O & M)

Date of Decision: 01.11.2018

Bobby @ Bobby Kumar and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.K.Choudhary, Advocate,
for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

INDERJIT SINGH, J. (Oral)

CRM-37608-2018

Learned counsel for the petitioners does not press the present application for impleading the complainant as respondent No.2.

Dismissed being not pressed.

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Petitioners-Bobby @ Bobby Kumar and Peter have 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 GD No.27 dated 20.11.2017, registered under Sections 326 (added later on), 324, 323 and 34 of the Indian Penal Code in FIR No.58 dated 19.11.2017, registered at Police Station Behrampur, District Gurdaspur, under Sections 326 (added later on), 324, 323, 148 and 149 of the Indian Penal Code.

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Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners as well as learned State counsel and gone through the record.

From the record, I find that it is a case of version and cross-version and it is still to be determined by the trial Court on the basis of evidence as to who is the aggressor party. The petitioners' side has also received injuries. As per counsel for the petitioners, the petitioners have got the FIR registered and complainant in this case got the DDR registered later on for cross-version.

There are allegations that petitioner No.1-Bobby @ Bobby Kumar had caused injury on the right toe of injured which has been declared grievous in nature and petitioner No.2-Peter had caused injury on the left cheek of injured, which has also been declared grievous in nature.

In pursuance of the interim order dated 17.04.2018 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 17.04.2018, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the

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investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

01.11.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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