

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

Criminal Misc. No. M-25173-2018

Date of Decision: 16.07.2018

Harbans Singh and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE IDERJIT SINGH

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

...

Inderjit Singh, J.

Petitioners-Harbans Singh and Arminster Singh have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in a cross version under Sections 326, 324, 148 and 149 IPC dated 19.06.2015 recorded in case FIR No.66 dated 04.06.2015, registered at Police Station Dhariwal, District Gurdaspur, under Sections 326, 324, 323, 447, 148 and 149 of Indian Penal Code.

Notice of motion.

On the asking of the Court, Ms. Monika Jalota, DAG, Punjab has accepted notice on behalf of respondent-State and contested this petition.

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

From the record, I find that firstly, 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. Secondly, inquiry has been conducted by the DSP in the cross case wherein, it is held that the grievous injury on the wrist is self suffered. Learned counsel for the petitioners also

stated that in the main FIR, which was registered on their behalf, complainant Akash Gill of cross version was not named. The DSP has also given such type of observation in the inquiry report.

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. It is ordered that, in the event of arrest, petitioners Harbans Singh and Arminder Singh be released on anticipatory bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.07.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No