

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

CRM-M-27515-2018

Date of decision:11.09.2018

Gurcharan Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Naveen Shaarma, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.104 dated 10.05.2018 under Sections 324, 323, 506, 34 of Indian Penal Code, 1860, Police Station Talwandi Sado, District Bathinda, wherein an offence under Section 326 of Indian Penal Code, 1860 has been added later on..

The FIR was lodged at the instance of Rajvir Singh who alleged that on the day of occurrence when he was to take the turn of

water in his fields, then Gurcharan Singh (petitioner) and his son Ram Singh came there with spades and Ram Singh forcibly stopped the engine of the tractor with the help of which the complainant was irrigating his land and forcibly took the turn of the water. It is alleged that Gurcharan Singh gave a blow with spade hitting left side of complainant's head and when Roshan Singh tried to intervene then Ram Singh gave a blow with spade hitting right side of Roshan Singh's head.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact it is a case of cross-version where even the petitioner sustained injuries including an incised wound.

On the other hand, learned State counsel has submitted that in the present case offence under Section 326 of Indian Penal Code, 1860 has been added subsequently in respect of injury caused to Roshan Singh by co-accused Ram Singh who has since been arrested.

I have considered the rival contentions addressed before this Court and have perused the MLR in respect of Gurcharan Singh (petitioner), which reveals that he had sustained three injuries including an incised wound which is described to be having dimensions of 4 cm x 1 cm on the left arm and is stated to be bone deep.

Having regard to the facts and circumstances and also that it is a case of cross-version where the petitioner himself has been injured and it would be seen at a later stage as to who was the aggressor, and also that the petitioner is stated to have joined investigation, I do not find that it to be a case of custodial interrogation. Accordingly the petition is accepted

and the interim directions issued vide dated 05.07.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

11.09.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**