

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

CRM-M-34406-2018
Date of decision: 17.09.2018

Lovejit Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. B. S. Goraya, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in case DDR No. 26 dated 03.08.2017, registered under Sections 326, 324, 323, 506, 148 and 149 of the IPC in FIR No. 146 dated 02.08.2017, under Sections 326, 323, 452, 506, 148 and 149 of the IPC at Police Station Sadar Tarn Taran, District Tarn Taran.

The operative part of the order dated 10.08.2018, vide which the petitioners have been granted interim bail, is reproduced below:

“Counsel for the petitioners has submitted that vide order dated 01.06.2018, passed in CRM-M No.24507 of 2018, filed by coaccused Tajinder Pal Singh and another, the following order has been passed:-

“Prayer in this petition is for grant of anticipatory bail in DDR No.26 dated 03.08.2017 under Sections 326, 324, 323, 506, 148, 149 IPC in FIR No.146 dated 02.08.2017 under Sections 326, 323, 452, 506, 148, 149 IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran. Learned counsel for the

petitioners submits that there was a sudden fight between two sides, in which the petitioners also suffered injuries. Counsel for the petitioners has relied upon MLR of both the petitioners (Annexure P-1 colly.) to submit that the petitioners have suffered injuries and a cross-version case was registered in the aforesaid FIR. It is further submitted that since it is a case of version and cross-version, it is to be seen during the trial, as to which party was aggressor party and which party acted in self-defence. Learned counsel for the petitioners further submits that during the investigation, three persons were found innocent and co-accused, who is attributed injury under Section 307 IPC, has been arrested. Notice of motion for 17.09.2018. In the meantime, petitioners are directed to appear before the Investigating Officer within a period of 10 days to join the investigation and they will be released on interim bail on furnishing bail/surety bonds subject to the following conditions: -

1. They will make themselves available for interrogation by a police officer as and when required;
2. They will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and
3. They will not leave India without previous permission of the Court.”

Counsel for the petitioners has further submitted that inadvertently in the aforesaid order Section 307 IPC has been wrongly noticed in the said order whereas the offence pertain to Section 326 IPC. It is also submitted that the cross-version was recorded on the next date of the registration of the FIR from the petitioners' side and in the cross-version, even 03 persons were found innocent.

Notice of motion for 17.09.2018. ”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 10.08.2018, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from HC Gurpreet Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 10.08.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 17, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No