

CRM-M-35892-2018

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

CRM-M-35892-2018

Date of Decision: 28.09.2018

Jagir Singh @ Kali and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. B.B.S.Randhawa, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioners-Jagir Singh @ Kali and Nishan Singh 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 DDR No.21 dated 02.07.2018, under Sections 323, 324, 452 and 34 IPC (Section 326 IPC added later on), registered at Police Station Sri Hargobindpur, in FIR No.72 dated 01.07.2018, under Sections 326 and 34 IPC, registered at Police Station Sri Hargobindpur, Police District Batala.

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

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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 both the petitioners are named in the DDR. Petitioner-Jagir Singh @ Kali is stated to be empty handed and no injury is attributed to him, whereas, petitioner-Nishan Singh is stated to have given *dang* blow on the right hand of the complainant.

In pursuance of the interim order dated 21.08.2018 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; without expressing any opinion on the merits of the case and in view of the facts that it is a case of version and cross-version and it is yet to be determined by the trial Court on the basis of evidence as to who is the aggressor party, I find merit in this petition and the same is allowed. The order dated 21.08.2018, granting interim bail to the petitioners, is made absolute. 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.

28.09.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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