

**CRM-M-37577-2017 and
CRM-M-41285-2017**

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

**CRM-M-37577-2017
Date of Decision: 01.03.2018**

Sandeep Sandhu @ Pataki

.....Petitioner

Vs.

State of Punjab

.....Respondent

CRM-M-41285-2017

Krishan Kumar @ Gohni

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gurbir Singh Pannu, Advocate,
for the petitioner (in CRM-M-37577-2017).

Mr. Vishal Nehra, Advocate,
for the petitioner (in CRM-M-41285-2017).

Mr. J.S. Walia, Sr. D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

The petitioners in these two petitions were admitted to interim bail vide two separate orders of this Court, one passed on 07.10.2017 in CRM-M-37577 of 2017 and the other passed on 16.11.2017 in CRM-M-41285 of 2017.

In both the aforesaid orders, it had been noticed that only simple injuries are attributed 'to the accused side', with no medical evidence to support the applicability of Section 328 IPC.

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Today, when the petitions came up for hearing after notice was issued and in view of the fact that subsequently, two grievous injuries have also been found to have been inflicted upon the complainant, Hitesh Kumar, with sharp edged weapons, as per the MLR produced in Court, and an offence punishable under Section 326 read with Section 149 IPC, has also been added to the FIR, with the petitioners having been seen to be armed with sharp edged weapons etc., when they allegedly attacked the complainant, I see no reason to continue with the interim orders in their favour, further also in view of the fact that the petitioner in CRM-M-41285-2017, (Krishan Kumar @ Gohni), is stated to have not even joined investigation.

Consequently, both these petitions are dismissed and the interim orders passed in each of them stand vacated.

However, nothing stated hereinabove, or in the previous orders passed in this petition, shall be construed to be an observation of this Court on the actual merits of the case, either for or against the petitioners, the observations made being wholly in the context of the petitions seeking the concession of anticipatory bail. Whether or not the petitioners were actually involved in the occurrence, and/or the extent of their involvement, would be something to be investigated by the investigating agency and looked into by the competent Court at the appropriate stage, on the basis of evidence found and led respectively.

March 01, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.