

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 09.10.2018

1. CRM-M-39539-2018

Harbhajan Singh and another

.. Petitioners

Vs.

State of Punjab

..Respondent

AND

2. CRM-M-40724-2018

Gurpreet Kaur

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Shubreet Kaur, Advocate for the petitioner(s).
Ms. Monika Jalota, DAG, Punjab.

...

Inderjit Singh, J.

This order shall dispose of CRM-M-39539-2018, filed by petitioners-Harbhajan Singh and Khushal Singh and CRM-M-40724-2018, filed by petitioner-Gurpreet Kaur, under Section 438 Cr.P.C. for grant of anticipatory bail in case General Diary Report No.24 dated 03.08.2017, registered at Police Station Harike, District Tarn Taran under Sections 323, 324, 325 and 34 of the Indian Penal Code, which is the cross version of case FIR No.79 dated 30.07.2017, registered at Police Station Harike, District Tarn Taran under Sections 323, 324, 342, 326 and 341 of the Indian Penal Code.

Notice of motion was issued in both these petitions.

Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioner(s) as well as learned State counsel and have gone through the record.

From the record, I find that it is a case of version and cross-version. It is still to be determined by the trial Court on the basis of evidence, who is an aggressor party.

The present petitioners are asking for the bail in the cross-version case, whereas the FIR in this case has been got registered from the petitioners side. Though petitioner Gurpreet Kaur is stated to be armed with danda, yet no injury has been attributed to her. Petitioner Khushal Singh is stated to have given simple injury with danda. Petitioner Harbhajan Singh is stated to have given grievous injury on the arm with datar, but learned counsel for the petitioner(s) submits that petitioner Harbhajan Singh himself has received the injury in the occurrence.

In pursuance of the interim orders dated 11.09.2018 and 17.09.2018 passed in CRM-M-39539-2018 and CRM-M-40724-2018 respectively 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 and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The order dated 11.09.2018 and 17.09.2018 granting interim bail to the petitioners, are 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.

09.10.2018

Jasmine Kaur

(INDERJIT SINGH)

JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No