

**Sr. No.205
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-38848 of 2017 (O&M)

Date of Decision: 07.02.2018

Shamsher Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

Mr. Gagandeep Singh Simble, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.176 dated 04.09.2017, under Sections 323,324, 326, 506, 148, 149 IPC, registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Gurpreet Singh/injured in relation to an alleged occurrence dated 31.08.2017 during the late evening hours.

Insofar as the present petitioner is concerned, he is stated to have delivered a kirpan blow on the elbow of the right arm of the complainant.

Initially FIR had been registered under Sections 323, 324, 506, 148, 149 IPC and the offence under Section 326 IPC was added subsequently upon receipt of opinion of the Board of Doctors as regards injury Nos.4 and 5 suffered by the complainant. Injury No.4 has also been opined to be grievous and is specifically attributed to co-accused Wazir Singh.

It has gone uncontroverted that co-accused Wazir Singh and who would be on parity with the present petitioner has been granted concession of pre arrest bail by a Coordinate Bench of this Court in the light of order dated 30.11.2017 in CRM No.M-37703 of 2017.

Further more, it is a case of version and cross-version and in which the present petitioner himself has suffered a grievous injury attracting offence under Section 326 IPC and at the hands of the complainant party.

Learned State counsel apprises the Court that in pursuance to the order dated 13.10.2017 passed by this Court, petitioner has joined investigation.

In view of the above, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 13.10.2017, passed by this Court is made absolute.

Disposed of.

07.02.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No