IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.39931 of 2017 (O&M)
Decided on: 12.10.2018

Satnam Singh @ Bittu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Inderjit Sharma, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.79 dated 20.08.2017 registered under Sections 326, 325, 324, 323, 148, 149 of the Indian Penal Code (in short 'IPC') (Section 307 IPC was deleted and Section 326 IPC has been added later) at Police Station Dera Baba Nanak, District Batala.

The operative part of the order dated 25.10.2017, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

> ***"....****Counsel for the petitioner has submitted that initially the FIR was registered under Section 307 IPC and later on Section 307 IPC was deleted and Section 326 IPC was added. It is further submitted that it is a case of version and cross-version and in the cross-version, a DDR*

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under Sections 326, 324, 323, 148, 149 IPC is also registered. Counsel for the petitioner has further submitted that from the side of the petitioner, one Lakhwinder Masih, sustained injuries and as per his MLR, the cross-version was registered. It is further submitted by counsel for the petitioner that at the first instance when the complainant – Baljit Singh was medico legally examined at Civil Hospital, Dera Baba Nanak, 06 injuries were recorded and later on, when he was again medico legally examined at Civil Hospital, Batala, 16 injuries were recorded and as such, there is a variance in the 02 MLRs. Counsel for the petitioner has further submitted that the dispute pertains to turn of watering of their fields between the parties and as such, being a case of version and cross-version, it is yet to be decided which party was aggressor and which party acted in self-defence.

*Notice of motion for 19.01.2018****....”***

Counsel for the petitioners has submitted that, in pursuance to the order dated 25.10.2017, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Balwinder Singh, assisted by counsel for the complainant, has submitted that though the petitioner has joined the investigation, however, the enquiry is still pending.

Since, the interim anticipatory bail was granted to the petitioner on 25.10.2017 and thereafter, the case was adjourned on number of occasions as it was stated by counsel for the State that the investigation is still pending, I find no ground to adjourn the case again to await the outcome of the enquiry as it is not the case of the State or the complainant that in the intervening period, the petitioner

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had misused the concession of interim anticipatory bail.

Accordingly in view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 25.10.2017 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No

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