

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

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**CRM-M No. 48932 of 2018
Date of decision : 8.11.2018**

Avtar Singh

.....Petitioner

v.

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Rajiv Kumar Trikha, Advocate, for the petitioner

Mr. Rajesh Bhardwaj, Senior DAG, Punjab

Mr. Parminder Singh-II, Advocate, for the complainant

FATEH DEEP SINGH, J. (Oral)

The present anticipatory bail petition under Section 438 Cr.P.C. of accused-petitioner has come in FIR No. 183 dated 14.8.2018, under Sections 323, 324, 326, 148 and 149 IPC, registered at Police Station Civil Lines, Batala, lodged by Shamsher Singh.

The brief allegations are that a dispute has arisen between complainant Shamsher Singh, his son Jatinder Singh while the complainant side was levelling their land by means of tractor when the accused-petitioner Avtar Singh armed with sword along with non-applicants Swaran Singh, Major Singh and an unknown persons armed with dangs and Sarabjit Singh @ Sabba armed with baseball bat, entered in the house and assaulted them on the exhortation of the petitioner. It is alleged that the petitioner has given a sword blow, hitting on the index and middle fingers of left hand of Shamsher Singh and which has opined to be grievous.

Learned counsel for the petitioner, inter alia, contends that it is a

case of version and cross version and from the side of the petitioner Sohan Singh-father of the petitioner too has received injuries and that on account of creating a counter version, injuries have been fabricated by the other side.

Learned State counsel assisted by Mr. Parminder Singh, Advocate, appearing for the complainant, have argued that bail petition for an injury under Section 325 Cr.P.C. have already been declined by this Court.

Appreciating the two sides, it is case of version and cross version and the only alleged injury attributed to the petitioner is on non-vital part i.e. two fingers of the left hand and to the specific query of this Court, learned State counsel could not convince the acceptability of the medical evidence, which supports the injury to be grievous.

Keeping in view the above, it is fit case for grant of anticipatory bail to the petitioner. Accordingly, it is ordered that in the event of arrest, the petitioner be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (Challan). He shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioner will be permitted to furnish regular bail/surety bonds to the satisfaction of the trial Court.

The petition stands disposed of accordingly.

(FATEH DEEP SINGH)
JUDGE

8.11.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No