

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

1. **CRM-M No. 54707 of 2018**
Date of Decision:-17.12.2018

Varinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M No. 54756 of 2018**

Baljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Mayur Karkra, Advocate
for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab.

Mr. G.S. Jagpal, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Prayer in these petitions filed under Section 438 Cr.P.C. is for

grant of anticipatory bail to the petitioners Varinder Singh and Baljinder Singh in the cross version recorded on the statement of Jiwan Singh vide General Diary No.021 dated 16.9.2018, for the offence punishable under Sections 452, 323, 506, 148 and 149 IPC (Sections 308 and 355 IPC added later on) in FIR No.257 dated 16.9.2018, registered under Sections 323, 341 and 506 read with Section 34 IPC, Police Station Patran, District Patiala.

Learned counsel for the petitioners have argued that in fact the FIR No.257 dated 16.9.2018 was registered at the instance of Nishan Singh for the offence punishable under Sections 323, 341 and 506 read with Section 34 IPC at Police Station Patran, District Patiala. Learned counsel appearing for the petitioners have further contended that three persons, namely, Nishan Singh, Varinder Singh and Phoola Singh have suffered injuries at the hands of complainant Jiwan Singh and others.

This fact is not disputed either by counsel appearing on behalf of complainant-Jiwan Singh or the State counsel.

Learned counsel for the complainant has opposed the bail on the ground that the injuries suffered by Jiwan Singh is on the head and, therefore, the concession of pre-arrest bail does not deserve to be extended to the petitioners.

The nature of injuries do not indicate the grievous injuries except the injury attributed to Varinder Singh i.e. on left arm of complainant Jiwan Singh and it would be debatable at this stage as to who was the aggressor.

Resultantly, the petitions are allowed. In the event of arrest, the

petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

A photocopy of this order be placed in the file of connected case.

December 17, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No