

CRM-M No.13794 of 2019 (O&M)
Date of decision : 03.04.2019

..... Petitioners

Versus

..... Respondent

Ms.Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in cross version registered vide GD No.29 dated 17.11.2018 under Sections 326/324/323/341/506/34 IPC in FIR No.124 dated 13.11.2018 registered under Sections 307/326/324/323/148/149 IPC at Police Station Sadar Gurdaspur, District Gurdaspur, Punjab.

Learned counsel for the petitioners has argued that actually the complainant party had attacked the two petitioners (who are two brothers) and petitioner No.2 had been inflicted injuries to which Section 307 IPC has been attracted whereas on the other side there is only one person who was injured and one injury to which Section 326 IPC was attracted and the cross version was recorded after 7 days.

In my considered opinion, the petitioner No.1 would not be entitled to the relief of anticipatory bail. The injury attributed to him has attracted Section 326 IPC. However, petitioner No.2 would appear before the Investigating Officer on 08.04.2019 and on any other date as and when his presence is required. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

As regards petitioner No.1, in case he surrenders before the court on or before 08.04.2019 and moves an application for regular bail, it shall be decided expeditiously but in any case by 11.04.2019 after taking into consideration the injuries suffered by him.

Petition stands disposed of with the above said observations.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

03.04.2019*Pooja sharma-I***(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No