

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 27.08.2019

1. CRM-M-20507-2019

Sukhwinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

2. CRM-M-25100-2019

Malkit Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

AND

3. CRM-M-25101-2019

Rakesh Kumar Sodhi

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. P.S. Jammu, Advocate for the petitioner(s).

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

Mr. Kanwardeep Singh Sodhi, Advocate
for the complainant.

...

Inderjit Singh, J. (Oral)

CRM No.25191 in CRM-M-25100-2019

and CRM-25215-2019 in CRM-M-25101-2019

These applications have been filed under Section 482 Cr.P.C.
for addition of Section 307 of the IPC in the head note and prayer clause of
the main petitions.

Heard.

It is mentioned in the applications that Section 307 of the IPC
has been added subsequently and, therefore, the same could not be
mentioned in the head-note and prayer clause of the main petitions.

In view of above, the present applications are allowed.

Registry is directed to add Section 307 of the IPC in the head-note and prayer clause of the main petitions.

CRM-M-20507-2019 and connected cases

This order shall dispose of 3 connected cases i.e. CRM-M-20507-2019, filed by petitioner-Sukhwinder Singh, CRM-M-25100-2019, filed by petitioner-Malkit Singh, CRM-M-25101-2019 filed by petitioner-Rakesh Kumar Sodhi under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.52 dated 03.04.2019, registered at Police Station Shahkot, Jalandhar, District Jalandhar under Sections 452, 323, 324, 325, 326, 506, 148, 149 and 307 of the Indian Penal Code of 1860

Notice of motion was issued in all these petitions.

Learned State counsel and counsel for the complainant have appeared and contested these petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that all the three present petitioners have been named in the FIR. Petitioner Sukhwinder Singh is said to have given two injuries to Bakhtawar Singh with danda. One of the injury falls under Section 325 IPC. Petitioner Malkit Singh is stated to be armed with sharp edged weapon, but no injury is attributed to him. Only allegation against him is that he was pelting the stone, but even with pelting the stone, no injury has been caused. Petitioner Rakesh Kumar Sodhi is said to have given simple injury to Jaswinder Singh on his elbow with danda.

None of these petitioners is the main accused, who caused injury under Section 326 and 307 IPC. Furthermore, it is a case of version and cross version and it is yet to be determined by the trial Court on the

basis of evidence as to who is the aggressor party.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in these petitions and the same are allowed. In the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall 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.

27.08.2019

Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No