

CRM-M-23068-2019

Date of Decision : 04.06.2019

Sukhwinder Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Deepak Goyal, Advocate
for the petitioner.Mr. Sahil Sharma, DAG, Punjab
for the respondent-State.Mr. Kamal Chaudhary, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first anticipatory bail application under Section 438 Cr.P.C in a case bearing FIR No.48 dated 06.05.2019 filed under Sections 323/341/452/506/148/149 of the Indian Penal Code registered at Police Station Khanauri District Sangrur.

The allegations against petitioner-Sukhwinder Singh have been got registered on the statement of injured/complainant-Shekhar Kansal. The allegations hover on the claim that on 05.05.2019, the accused/petitioner's

side comprising of the petitioner-Sukhwinder Singh along with non-applicant/co-accused, namely, Vikas and uncle of Navdeep Singh, all armed with sticks and Navdeep @ Deepu and Harpreet Singh @ Happy both armed with iron punch on their right hand along with two unidentified persons, had assaulted the complainant side. The petitioner gave one blow by means of *lathi* hitting on the back of the complainant whereas other injuries attributed to co-accused/non-applicants and all these injuries are opined to be simple in nature.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been attributed a simple blunt injury on non-vital part of the body and that it is a case of version and cross-version as even the side of the petitioner too, have received injuries.

On behalf of the State, the learned State counsel, on instructions from ASI Sukhwinder Singh, Police Station Khanauri District Sangrur, though have conceded to the facts that have been brought to the notice of this Court by learned counsel for the petitioner but has opposed the grant of bail. Learned counsel for the complainant has vehemently submitted that the police is hand in glove with the petitioner's side and have down played the role attributed to the petitioner.

Appreciating the submissions of the two sides and as is there on the records and is in the arguments of the State counsel, a simple injury by means of stick is attributed to the petitioner on the back of the complainant, which is opined to be simple and thus, it would be travesty of justice to send the petitioner behind the bars as being a case of version and

cross-version, which of the party is the aggressor, is to be determined at the time of trial.

In view of the aforesaid, the present petition is allowed. Petitioner would appear before the Investigating Officer within 15 days from today. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

04.06.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No