

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53861-2018 (O&M)
Date of Decision:-6.5.2019

Bau Singh @ Karamjit Singh and others ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurjeet Brar, Advocate for
Mr. Vikas Singh, Advocate for the petitioners.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.51 dated 4.9.2018 at Police Station Bhaini Mian Khan, District Gurdaspur under Sections 324, 323, 326, 325, 148 and 149 of Indian Penal Code, 1860.

As per FIR, the accused caused two injuries to Angrej Singh out of which one is stated to be a 'grievous injury' and the other is a simple injury. The other injured namely Jaspal Singh is stated to have received one injury only in the nature of a lacerated wound.

The learned counsel for the petitioners has submitted that the 'grievous injury' is not attributed to any of the petitioners and is attributed to non-applicant Parshotam Singh. It has further been submitted that infact

genesis of occurrence has been suppressed inasmuch as three persons from the accused side also sustained injuries including the petitioner Bau Singh @ Karamjit Singh. The learned counsel in this context has drawn the attention of this Court to MLR annexed with the petition as Annexure P-1 in respect of petitioner Bau Ram @ Karamjit Singh.

Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioners are attributed simple injury only and that some injuries have also been sustained by the accused side, in my opinion, it is certainly be debatable as to which party is the aggressor. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 6.12.2018 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

6.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No