

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

CRM-M-30133-2019 (O&M)

Date of Decision:- 27.8.2019

Gulshan Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Gulshan Kumar has approached this Court seeking anticipatory bail in respect of a cross-version registered against him in DDR bearing G.D. No.001, dated 19.2.2019, registered at Police Station Daba, District Police Commissionerate, Ludhiana, under Sections 452, 324, 323, 427, 506, 148 and 149 IPC in FIR No.15, dated 15.2.2019, registered at Police Station Daba, District Police Commissionerate, Ludhiana, under Sections 323, 341, 354, 503, 34 IPC.

2. The DDR in question was lodged at the instance of Vinod Kumar wherein it has been alleged that complainant Vinod Kumar and his mother Santro Devi are working as Safai Sewak in Ludhiana Corporation and that his younger brother works in a Factory. It is alleged that Chhote Lal his wife Sumitra Devi and her sons Vijay Kumar, Rajan Kumar, Ajay, Gulshan and Rupinder Kumar are residing in the neighborhood. It is alleged that a dispute arose on account of parking of vehicles in the street and during the course of which aforesaid Sumitra Devi, her sons Vijay Kumar, Rajan Kumar and Chhote Lal and one more boy Rupinder Kumar and Gulshan came out in the street and started abusing and attacked the house of the complainant. The petitioner is alleged to have given a blow with 'stick' on the stomach of the complainant.
3. Learned counsel for the petitioner has submitted that it is a case of cross-version wherein he has been falsely implicated and that the complainant's mother had also sustained injuries.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out.
5. Having considered rival submissions addressed before this court and while bearing in mind that it is a case of cross-version wherein the petitioner is attributed a blow of 'stick' on the stomach of the complainant resulting in a simple injury only, in my opinion it is not a case warranting custodial interrogation. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail

subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. The present petition stands accepted accordingly.

August 27, 2019

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No