

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 16.11.2019

1)

CRM-M-41911 of 2019

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

...Respondent

2)

CRM-M-39719 of 2019

Godha Singh @ Sukhdev Singh

.....Petitioner

Versus

State of Punjab

...Respondents

3)

CRM-M-47452 of 2019

Suba Singh and another

.....Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Gurvinder Singh Aulakh, Advocate,
for the petitioner in all these petitions.
Mr. APS Gill, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

CRM-M-41911 of 2019

CRM M-39719 of 2019

Pursuant to notice of motion having been issued and the petitioners in both these petitions having been admitted to anticipatory bail, learned State counsel on instructions from the police official who is present in court to assist him, submits that the injuries received on both sides are simple injuries; and in response to further query, submits that the accused in the cross version to the FIR in which the petitioners are accused, too have been admitted to bail, i.e. the 'complainants' in the FIR are also on bail (as

accused in the cross version thereto).

That being so, without making any comment on the actual merits of the case for or against the petitioners, or the 'complainants', these petitions are allowed and the orders dated 18.09.2019 and 30.09.2019, granting interim bail to the petitioners, are made absolute on the same terms and conditions.

CRM-M-47452 of 2019

By this petition filed under the provisions of Section 439 of the Cr.P.C., the petitioners seek that they be admitted to bail qua the alleged commission of an offence punishable under Section 326 of the IPC, they already having been admitted to bail by this court in respect of the other offences alleged to have been committed by them (as per the FIR), such offences being those punishable under Sections 323/324/326/506/148/149 of the IPC.

He further submits that the petitioners were admitted to bail as regards those offences pursuant to them having filed CRM-M-32362 of 2019, which was allowed on 16.10.2019. He also brings to the notice of this court that in that petition CRM no.33092 of 2019 was filed, seeking modification of the order of this court dated 16.10.2019, with that application having been dismissed on the ground of non-maintainability in view of the bar contained under Section 362 of the Cr.P.C. that the order cannot be modified to include an offence which was not mentioned even in the petition itself.

(However, in that case, the order was modified to the extent that instead of “ a single petitioner” being referred to, both the petitioners were deemed to have been referred to in the order, the word “petitioner” obviously being a typographical error).

Consequently, this petition has been filed, with the learned State counsel, on instructions from the police official who is present in court to assist him, not denying that the petitioners are not attributed the injuries as would invoke addition of an offence punishable under Section 326 of the IPC.

Hence, for the reasons already recorded herein above while granting 'anticipatory bail' to the co-accused of the petitioners, to the effect that there is a cross-version to the occurrence also, with both sides having received injuries, the petition is allowed, with the petitioners ordered to be admitted to bail even qua the offence alleged 'against them' punishable under Section 326 of the IPC.

However, nothing stated herein above shall be taken to be an observation of this court on the merits of the case, for or against either party.

(AMOL RATTAN SINGH)
JUDGE

16.11.2019
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Whether reasoned/speaking: Yes
Whether reportable: no