

CRM-M-20787-2020

Date of decision: 05.08.2020

Prithi Singh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Rohit Chandel, Advocate
for the petitioner.Mr. B.S. Virk, DAG, Haryana
for the respondent-State.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

At the very onset, the learned State counsel states at the bar that as per instructions received, offence under Section 326 IPC stands deleted.

Let the arguments be heard.

The petitioner-Prithi Singh has come up in this first anticipatory bail under Section 438 Cr.P.C. in a case bearing FIRNo.0094 dated 13.05.2020 under Section 25 of the Arms Act and Sections 148, 149, 323, 324, 326 and 506 of the Indian Penal Code (Section 326 IPC since deleted) registered at Police Station Shahzadpur, District Ambala, Haryana.

On the complaint of Sahil, the brief allegations levelled are that on 12.05.2020, while the complainant and his brother, who had come on leave from army were returning from their fields at around 09:30 PM, it is alleged that Prithi Singh and Babbar Singh along with his co-accused/non-applicant-Mukesh Kumar, Rakesh Kumar, Balwan, Jony, Gagan and Prithi Singh-the present petitioner, accosted them, who all were armed with *gandasi*, *kirpan*, *barchha*, attacked them. The petitioner is attributed single blow of *gandasi* on the head of the complainant which is opined to be simple in nature while other injuries have been inflicted by co-accused which all are stated to be simple in nature.

Learned counsel for the petitioner *inter alia* contends that it is a case of version and cross-version as from the side of the present accused, the petitioner has got registered (Annexure P-4) against the complainant side consisting of Mohit, Saurabh, Gaurav, Jintender, Sahil, Ram Kumar, Subham, Prins, Megh Raj, Pardeep Kumar, Vikram, Sona Devi, Guddi Devi. It is, therefore, submitted by the counsel that only simple injuries are attributed to the petitioner and that nothing is to be recovered from the him.

The learned State counsel with all fairness concedes that offence under Section 326 IPC stands deleted and has not displaced the factual scenario brought to the notice of the Court on behalf of the petitioner but opposed the grant of bail on the grounds that the investigations are still underway.

Going through the submissions, it is a case of version and cross-version, wherein, both the sides have received injuries. The injury attributed to the petitioner is simple in nature. It shall be determined at the trial as to which of the party is aggressor.

Accordingly, the petitioner is directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on his doing so, he shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

05.08.2020

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No