

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-24453-2020

Date of decision:08.12.2020

Gurdev Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in cross-case registered vide GD No. 041 dated 08.5.2020 under Sections 324/323/188/269/270/148/149 IPC and Section 51 of the Disaster Management Act, 2005 and Section 326 IPC (added later on vide GD No. 021 dated 09.5.2020) in FIR No. 73 dated 8.5.2020 under Sections 341/323/342/427/188/269/270/109/148/149 IPC and Section 51 of the Disaster Management Act, 2005 registered at Police Station P.S. Nakodar Sadar, District Jalandhar Rural.

On 26.08.2020, this Court passed the following order:-

“Case is being taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in cross-case registered vide GD No. 041 dated 08.5.2020 under Sections 324/323/188/269/270/148/149 IPC and Section 51 of the Disaster Management Act, 2005 and Section 326 IPC (added later on vide GD No. 021 dated 09.5.2020) in FIR No. 73 dated 8.5.2020 under Sections

341/323/342/427/188/269/270/109/148/149 IPC and Section 51 of the Disaster Management Act, 2005 registered at Police Station P.S.Nakodar Sadar, District Jalandhar Rural.

Learned counsel for the petitioners submits that dispute is between the brothers pertaining to 10 kanals and 8 marlas of land and regarding the said land, civil litigation is also pending between them. It is also submitted that it is a case of version and cross-version as FIR No. 73 dated 08.5.2020 has also been got registered against the complainant party on the statement of petitioner No.1-Gurdev Singh son of Kehar Singh. The complainant party trespassed in the fields of petitioner No.1 with deadly weapons and caused injuries and later on complainant party fabricated false case.

Notice of motion.

On the asking of the Court, Mr. P.S.Walia, AAG, Punjab accepts notice on behalf of the State. He has not disputed that fact that on the statement of petitioner No.1, FIR No. 73 dated 08.5.2020 has been got recorded against the complainant party on the same day when the present G.D. was recorded.

It is a case of version and cross-version. Both the sides have inflicted injuries to each other. As per MLR, petitioner No. 1 received six injuries out of which, one injury was declared grievous in nature and petitioner No. 2 has received three injuries. It is yet to be determined as to who was the aggressor. Undisputedly, civil litigation is also pending between the parties.

Adjourned to 08.12.2020.

Meanwhile, petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioners submits that pursuant to the order dated 26.08.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Harvinder Singh, submits that the petitioners have joined the investigation and are not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 26.08.2020 passed by this Court granting interim bail to the petitioners, is made absolute,

subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

08.12.2020

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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No