

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

(I) CRM-M-27173-2020 (O&M)

Sandeep Kumar @ Monu Bijli Wala ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-28817-2020 (O&M)

Suresh Kumar ...Petitioner

Versus

State of Punjab ...Respondent

(III) CRM-M-29734-2020 (O&M)

Surinder Kumar @ Chinda ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 27.11.2020

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashok Kumar Sama, Advocate, for the petitioner(s).

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose off the aforesaid three petitions filed on behalf of Sandeep Kumar @ Monu Bijli Wala, Suresh Kumar and Surinder Kumar @ Chinda seeking grant of anticipatory bail in DDR No.35 dated 06.08.2020, which is in fact a cross version of the FIR lodged at their instance i.e. FIR No.164 dated 06.08.2020 at Police

Station Khui Khera, District Fazilka under Sections 323, 324, 325, 34 IPC.

2. While issuing notice of motion on 10.09.2020, the following order was passed in CRM-M-27173-2020:

“Learned counsel for the petitioner contends that it is case of cross-versions wherein initially FIR No.164 dated 6.8.2020 under Sections 323, 324, 325, 34 IPC Police Station Khui Khera, District Fazilka was registered at the instance of Surinder Kumar wherein it has been alleged that Surinder Kumar and his friend Suresh had been caused injuries by Sonu and Ramesh Kumar with the help of ‘*Kappa*’. Subsequently, aforesaid Ramesh Kumar got his statement recorded vide DDR No.35 dated 6.8.2020 (Annexure P-1) against the petitioner-Sandeep Kumar @ Monu Bijli Wala, Surinder & Suresh alleging therein that the aforesaid three had caused 2 injuries each to Ramesh Kumar and to his son Jaspreet. The petitioner is attributed a blow with ‘*Danda*’ to Jaspreet. It has been submitted that the injury attributed to the petitioner in any case is a simple injury.

Notice of motion for 27.11.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim 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 Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Even in the cases of petitioners Suresh Kumar and Surinder Kumar interim bail was granted on 21.09.2020 and 25.09.2020 respectively.

4. The learned State counsel has not disputed that it is a case of cross version. He upon instructions from SI Balwan Singh has informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and are not required for any custodial interrogation.
5. Having regard to the fact that it is a case of cross versions wherein it is yet to be established as to which of the party is aggressor and the fact that the petitioners have already joined investigation and their custodial interrogation is not required, all the petitions, as such, are accepted and the interim directions issued by this Court vide orders dated 10.09.2020, 21.09.2020 and 25.09.2020 in the cases of Sandeep Kumar, Suresh Kumar and Surinder Kumar respectively, 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.

(GURVINDER SINGH GILL)
JUDGE

27.11.2020

Vimal

Whether speaking/reasoned: **Yes/No**
 Whether reportable: **Yes/No**