

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-31771-2020 (O&M)

Date of decision : October 08, 2020

Sandeep Sharma

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Amaninder Preet, Advocate, for the petitioner

Mr. Jagmohan Ghuman, DAG Punjab

Mr. JS Brar, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Sandeep Sharma has come up in this first anticipatory bail application in case DDR No. 52 dated 30.7.2020 under Sections 365, 341, 323, 325, 148, 149 IPC registered on behalf of accused in case FIR No. 137 dated 28.7.2020 under Sections 324, 323, 148, 149 IPC, Police Station City Kotkapura,

District Faridkot, got registered by injured complainant Harsh Sharma.

It is contended by the learned State counsel that on 27.7.2020 around afternoon the complainant and the accused-petitioner who have adjoining land entered into a scuffle over construction of common wall. The petitioner is attributed a blow of danda on the head of the complainant which is opined to be simple in nature.

Learned counsel for the petitioner has submitted that it is a case of version and cross-version where the petitioner side too have received injuries and that as to which of the party is aggressor is yet to be determined. The co-accused non-applicants Rajinder Sharma and Mandeep Sharma have already been allowed anticipatory bail by this Court vide orders dated 29.9.2020 and case of the petitioner is not distinguishable from that of his co-accused, together with the fact that it is a case of parity where only simple injury is attributed. It would be traversity of justice to send the petitioner behind the bars.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of

report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

October 08, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes
No