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

CRM-M No. 31080 of 2021
Date of Decision: 06.10.2021

Onkar Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Manreet Singh Nagra, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.49 dated 30.04.2021 registered under Sections 326, 325, 341, 323, 34 IPC (Offence under Sections 326, 325 IPC added later on) at Police Station Sadar Gurdaspur, District Gurdaspur.

On 05.08.2021, following order was passed:-

“(Through video-conferencing)

Learned counsel for the petitioner

contends that it is a case of version and cross-

version. Petitioner himself has received incised wound bone deep 4 x 0.7 cm horizontally placed on anterior aspect of his right 1/3rd lower right leg clotted blood present and the said injury has been found to be grievous in nature. Cross case bearing GD No.52 dated 01.05.2021 under Sections 323, 324, 326, 506, 148, 149 IPC has been registered against the complainant party.

By referring to the aforesaid cross-case, learned counsel further contends that it would be debatable as to which of the party was aggressive in the occurrence in question. The grievous injury on the person of Shamsher Singh is on non-vital part of the body. Co-accused Rashpal Singh has been granted interim bail vide order dated 15.07.2021 passed in CRM-M No.27126 of 2021.

Notice of motion for 06.10.2021.

To be heard along with CRM-M No.27126 of 2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 10.08.2021 at 11.00 A.M.

and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner submits that the petitioner is an injured in the cross version.

Accused in the FIR namely Rashpal Singh has been granted anticipatory bail vide order of even date passed in CRM-M No.27126 of 2021.

Learned State counsel on instructions from ASI Gurdev Singh submits that the petitioner has joined the investigation to the entire satisfaction of the Investigating Officer and he is no more required in further investigation of the case.

In view of above, order dated 05.08.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating

Officer and shall abide by the conditions as envisaged under
Section 438(2) Cr.P.C.

Disposed of.

06.10.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No