

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-30767-2020 (O&M)

Date of decision: 22.01.2021

Kulbir Singh & Anr.

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Lakhwinder Singh Mann, Advocate
for the petitioners.

Mr. Randhir Singh Thind, D.A.G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The prayer in the present petition is for grant of anticipatory bail in cross version bearing DDR No.3 dated 10.07.2019 registered under Sections 323,379, 148,149 IPC (Sections 325,324,427,34 IPC added later on and Section 148 and 149 IPC deleted) in FIR No.165 dated 09.07.2019 under Sections 323,324,34 IPC (Section 326 IPC added later on) at Police Station City Phagwara, District Kapurthala.

This Court, on 01.10.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

The prayer in the present petition is for grant of anticipatory bail in cross version bearing DDR No.3 dated 10.07.2019 registered under Sections 323,379, 148,149 IPC (Sections 325,324,427,34 IPC added later on and Section 148 and 149 IPC deleted) in FIR No.165 dated 09.07.2019 under Sections 323,324,34 IPC (Section 326 IPC added later on) at Police Station City Phagwara, District Kapurthala.

Learned counsel for the petitioners states that on the complaint of petitioner No.1-Kulbir Singh, FIR No.165 dated 09.07.2019 aforesaid, was registered against the complainant and other co-accused. The injury inflicted upon the petitioners was of grievous nature and, thus. Section 326 IPC was added.

Learned counsel for the petitioners further states that it is a version and cross version case and the DDR was registered after one day of the registration of FIR. It is further stated that the offence under Section 379 IPC is the only offence, which is non-bailable and as per the DDR, petitioner No.1 is alleged to have broken the gold chain of K.K. Dadra (who had lodged the DDR).

Notice of motion.

On the asking of this Court, Mr. Pawan Sharda, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. He states that the DDR contains specific allegations against the petitioners and thus, the petitioners cannot allege their false implication.

Indisputably, it is a version and cross version case. In such like cases, there is always a point for determination as to which party is the aggressor party and the said issue can

only be determined on the basis of evidence during the course of trial.

Adjourned to 22.01.2021.

Meanwhile, the 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 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 in compliance of the order dated 01.10.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from S.I. Jatinder 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 01.10.2020 granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

22.01.2021

Ishwar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No