

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

205

**CRM-M-36308-2021
Decided on : 10.11.2021**

Dalwinder Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
(Through Video Conferencing)**

PRESENT: Mr. L. S. Sidhu, Advocate
for the petitioner.

Mr. A. K. Kaundal, DAG, Punjab.

Mr. Parminder Singh, Advocate for
Mr. Prateek Pandit, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 67 dated 23.06.2021 under Sections 323, 324 and 34 of Indian Penal Code (Section 326 IPC added later on) registered at Police Station Bholath, District Kapurthala.

On 03.09.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.67 dated 23.06.2021 registered under Sections 323, 324 and 34 of the Indian Penal Code, 1860 (Section 326 of IPC has been added later on) at Police Station Bholath, District Kapurthala.

Learned counsel for the petitioner inter alia contends that this is a case of version and cross-version and FIR No.66 dated 21.06.2021 was registered by the petitioner against the complainant party with respect to the injuries caused to the petitioner and the said complaint was given on 21.05.2021 at 6:10 PM. It is further argued that the petitioner had himself suffered three injuries in the incident and subsequently the complainant party had got registered FIR No.67 dated 23.06.2021, the complaint regarding which was made on 23.06.2021 at 11:15 PM. It is further submitted that the injury which has been declared grievous is on the non-vital part on the left wrist and as per the learned counsel for the petitioner, even the opinion of the Doctor is not very affirmative. It is submitted that question as to who is the aggressor is a moot point in the present case and as per version of the petitioner, it was the complainant party who was the aggressor.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of State of Punjab and seeks time to get instructions.

At this stage, Mr. Prateek Pandit, Advocate has appeared on behalf of the complainant and has argued that in the present case, the incident as stated in the FIR (Annexure P-1) lodged by the petitioner, is at about 8:30 AM whereas the incident stated in the FIR (Annexure P-3) lodged by the complainant party is at 07:45 AM. It is further submitted that the complainant had suffered grievous injury on the wrist resulting into two fractures and the same could not be said to be self-suffered. It is also submitted that the medical opinion also fortifies the said fact.

This Court is of the prima facie opinion that the present case is a result of version and cross-version and the fact, that as per the FIR registered by the complainant party, time has been mentioned as 07:45 AM, would not help the complainant

side as the complaint was filed only on 23.06.2021. Any any rate, even the perusal of the MLR of Jagdeep Singh would show that the date and time of the arrival before the Civil Hospital, Kapurthala is 21.06.2021 at about 02:10 PM. Since this is a case is of version and crossversion, it is a moot point as to who was the aggressor inasmuch in the FIR in question, the provisions of Section 452 of IPC are not there.

Adjourned to 10.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instruction from ASI Jasbir Singh, has submitted that the petitioner has joined the investigation and he is not required further.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the present case is a case of version and cross version and the petitioner himself has suffered 3 injuries in the incident and the alleged grievous injury attributed to him is on a non vital part and the petitioner has joined the investigation, the present petition is allowed and the interim order dated 03.09.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

10th November,2021
Mehak

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