

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

CRM-M-38785-2020
Date of Decision : 23.03.2021

Pawan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sachin Ohri, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Rajesh Kapila, Advocate
for the complainant.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petition prays for grant of anticipatory bail in FIR No. 292 dated 15.10.2020, registered under Sections 326, 324, 323 and 34 of the IPC at Police Station Dinanagar, District Gurdaspur, Punjab.

The operative part of the order dated 24.11.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that it is a case of version and cross version, however, the case of cross version, in which the petitioner and his mother Shimla Devi suffered injuries, has not been recorded by the police so far and in this regard, a representation has been given to Senior Superintendent of Police, Gurdaspur.

Learned counsel for the petitioner has placed on record the MLR of the petitioner, in which injury No. 1 was declared grievous in nature.

It is further submitted that in fact it was a case of free fight due to some sudden provocation between the parties and

both the parties, including ladies, have suffered injuries and it is the subject matter of trial as to which one was the aggressive party.

Notice of motion for 23.03.2021.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 24.11.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

Learned counsel for the complainant submits that there are specific allegations of causing injuries against the petitioner, however, he could not dispute the fact that it is a case of version and cross version, where both the sides have suffered injuries.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 24.11.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

23.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No