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

CRM-M-1420-2022

Date of decision : 17.02.2022

Tejpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. G.S. Madaan, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a cross-case i.e. DDR No.14 dated 28.11.2021 registered under Sections 452, 326, 324, 323, 34 of the Indian Penal Code, 1860 (Section 452 of IPC has been deleted vide DDR No.19 dated 06.12.2021) registered in FIR No.135 dated 26.11.2021 under Sections 326, 307, 325, 324, 34 of IPC at Police Station Fattu DHINGA, Tehsil and District Kapurthala, Punjab.

On 13.01.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that the present case is a case of version and cross-version and the petitioner had registered an FIR

No.135 dated 26.11.2021 under Sections 326, 307, 325, 324 and 34 of the Indian Penal Code, 1860 against the complainant party for the severe injuries caused to the father of the petitioner including injury on the forehead which has been declared as grievous and is also stated to be dangerous to life and another injury i.e. injury No.2 has been declared to be grievous in nature. It is further submitted that the present cross-version has been got registered after a period of six days of the incident and in the said DDR, although version was put so as to show that the accused party had entered into Haveli of the complainant but Section 452 of IPC has been deleted in the present case and the injuries attributed to the petitioner are on the non-vital parts i.e. on the palm and the finger of the left hand. It is argued that injury No.2 with respect to the same has been declared as grievous but the said injuries have been self-suffered after seeing the condition of the father of the petitioner being very serious. He has further argued that the petitioner is not involved in any other case.

Notice of motion.

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

Adjourned to 17.02.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his 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 abovesaid order dated 13.01.2022, the petitioner has joined the investigation and is not required for further custodial interrogation.

Learned counsel for the State, on instructions from ASI Paramjit Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Learned counsel for the complainant has submitted that it is the petitioner and his party who were aggressor in the case and even Village Panchayat has supported the said version and in fact, water from the house of the petitioner was being diverted towards the house of the complainant and the complainant party was making a ramp for stopping the said water when the said incident had taken place.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 13.01.2022 and also the fact that there is an FIR No.135 dated 26.11.2021 registered under Sections 326, 307, 325, 324 and 34 of IPC against the complainant party for the severe injuries caused to the father of the petitioner which include injury on the forehead which has been declared as grievous and is stated to be dangerous to life and there is another injury which has been declared to be grievous in nature and the present cross-version has been registered after the delay of six days of the incident and even Section 452 of IPC has been deleted in the present case and the injuries which have been attributed to the petitioner are on the non-vital parts and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 13.01.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

17.02.2022
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**