

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

213

CRM-M-18780-2022

Date of Decision: 06.09.2022

Tejo & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Dhawan, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Sarabjit Singh.

Mr. S.P.Soi and Mr. Sahil Soi, Advocates,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a cross case vide GD No.46 dated 29.12.2021, registered under Sections 323, 427, 436, 506, 511, 148, 149 of the IPC at Police Station Kartarpur, District Jalandhar in case FIR No.139 dated 29.12.2021, registered under Sections 323, 341, 506, 148, 149 of the IPC and Section 3 of the SC/ST Act, 1989 at Police Station Lohian, District Jalandhar.
2. At the time of issuance of notice of motion on 05.05.2022, the following order was passed:

“Prayer in this petition is for grant of anticipatory bail to the petitioners in the cross case vide GD No.46 dated 29.12.2021, registered under Sections 323, 427, 436, 506, 511, 148, 149 of the IPC at Police Station Kartarpur, District Jalandhar in case FIR No.139 dated 29.12.2021, registered under Sections 323, 341,

506, 148, 149 of the IPC and Section 3 of the SC/ST Act, 1989 at Police Station Lohian, District Jalandhar.

Learned counsel for the petitioners submits that it is a case of version and cross version and the FIR was registered at the instance of brother of petitioner No.2 Bachittar Singh as petitioner No.2 suffered 07 injuries, as per MLR.

Learned counsel further submits that there is no allegation against petitioner No. 1 Tejo and the allegation against petitioner No. 2 is of causing injuries on the non-vital part of the body.

Notice of motion for 06.09.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.”

3. Learned counsel representing the complainant has submitted that in fact when the occurrence had taken place, the petitioners had caused several injuries. It has further been submitted that a stay order was operating against the petitioners i.e. order dated 29.10.2020 passed by the Civil Judge (JD), Nakodar in civil suit bearing CS No.458/2020 titled ‘Surjit Singh Vs. Gram Panchayat’ and the petitioners as well as others had violated the said direction/stay order granted by the Civil Court and in these circumstances, they do not deserve the concession of anticipatory bail.
4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and are not required for any custodial interrogation.
5. This Court has considered rival submissions.

6. Having regard to the fact that it is a case of cross-version, wherein large number of injuries have been sustained on the side of the petitioners, as petitioner No.1 is stated to have suffered 1 injury, whereas petitioner No.2 is stated to have suffered 7 injuries, this Court finds that the genesis of occurrence has been suppressed. In any case, it will be debatable as to which of the party is aggressor. The petition, as such, is accepted particularly keeping in view the fact that the petitioners have already joined investigation and are not required for any further custodial interrogation. The interim directions issued by this Court vide order dated 05.05.2022 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

06.09.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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