IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33009-2021
Date of decision: 05.04.2022

Rajinder Singh **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. *(Oral)*

The petitioner prays for grant of anticipatory bail in DDR No. 28 dated 05.05.2020 registered in FIR No. 135 dated 05.05.2020, under Sections 341, 452, 324, 323, 148, 149 of the IPC at Police Station Sadar Fazilka, District Fazilka.

The operative part of the order dated 11.10.2021, vide which the petitioner has been granted interim bail, is reproduced below:

> "The petitioner in this petitioner is the accused in the DDR which is registered as a cross-version to the FIR registered at the instance of the petitioner in the this petition. The allegation against this petitioner, in the cross-version recorded vide DDR no.28 dated 05.05.2020, is that he inflicted a gandasa blow on the wrist of Gurmeet Kaur alias Gogga, with the offences alleged to have been committed as per the cross-version, being those punishable under the provisions of Sections 341/452/324/323/148/149 of the IPC.
>
> (In the FIR registered at the instance of the petitioner, he is alleged to have received two kappa blows at the hands of one Sukhwinder Singh, on his left shoulder).
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> Notice of motion, returnable on 06.12.2021.
>
> Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the

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> respondent State.
>
> Though, upon query to him, he submits that he has not received any instructions as regards the accused in the FIR having been admitted to bail, learned counsel appearing for the petitioner submits that all the accused in the FIR have in fact been admitted to bail by the learned Sessions Court itself.
>
> In view of the fact that the occurrence is the same and as to who is the aggressor party would naturally be determined by the SIT already constituted by the DGP, Punjab, the Chairman of the SIT would also file an affidavit in reply to this petition, stating therein as to whether it has been found that it is the petitioner who was the actual aggressor in the occurrence, or it was those who were accused in the FIR registered at his instance."

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 11.10.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, 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.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 11.10.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

05.04.2022 **(ARVIND SINGH SANGWAN)**
Waseem Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*

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