

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

**CRM-M-31749 of 2022
Date of Decision:- 05.12.2022**

Iqbal Singh and another

....Petitioners

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Addl. AG, Punjab.

Mr. Yogesh Aneja, Advocate
for the complainant.

KARAMJIT SINGH, J.

Prayer is for grant for anticipatory bail to the petitioners in case having FIR No.134 dated 03.07.2022 registered under Sections 308, 325, 323, 34 IPC, Police Station Sadar Fazilka, District Fazilka.

The brief facts of the case are that on 19.04.2022, complainant Gurmeet Singh went to his fields to get fodder and when he was cutting fodder, petitioner No.1 and his brother Paramjit Singh- petitioner No.2 attacked him from behind and gave him beatings and in the meantime, their third brother Jaswinder Singh reached there on

his tractor having cultivator attached to it and then petitioner No.1 and Paramjit Singh-petitioner No.2 pushed the complainant towards the said tractor and then front tyre of said tractor was ran over left shoulder and chest of the complainant, by said Jaswinder Singh with intention to kill the complainant.

The counsel for the petitioners submitted that the petitioners have joined the investigation with the police by virtue of order of interim bail dated 25.07.2022 passed by this Court.

The present petition is contested by the counsel for the complainant who submits that the petitioners are equally responsible with the aid of Section 34 IPC for the injuries sustained by the complainant due to running over of the tractor by co-accused Jaswinder Singh.

The State counsel on instructions from ASI Ranjit Singh has not refuted the aforesaid assertions made by counsel for the petitioners. The State counsel further apprised this court that the petitioners are not required by the police for any further investigation or custodial interrogation. The State counsel has further apprised this Court that main accused Jaswinder Singh to whom offence under Section 308 IPC is attributed, has been arrested by the police.

In this case no specific injury has been attributed to the present petitioners and their liability under Section 308 IPC is fastened only with the aid of Section 34 IPC.

In the light of above, as the petitioners have joined the investigation with the police and nothing remains to be recovered from them, the present petition is hereby allowed and order granting interim bail dated 25.07.2022 to the petitioners is hereby made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

05.12.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

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