

In the High Court for the States of Punjab and Haryana At Chandigarh

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CRM-M-51734-2022

Date of Decision:-01.12.2022

Manpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail to the petitioner in DDR No.40, dated 4.6.2022 under Sections 324, 34 IPC (Section 326 IPC added later on) arising out of FIR No.71 dated 10.06.2022 under Sections 323, 324, 34 IPC, registered at Police Station Badhni Kalan, District Moga.
2. The petitioner is alleged to have inflicted an injury to Iqbal Singh of the other party on his hand with the help of '*khanda*' which was found to be 'grievous' injury. The said Iqbal Singh is otherwise, stated to have received eight injuries allegedly caused by 4 persons including the petitioner. On the other hand, the petitioner has also sustained 'grievous' injury on his hand allegedly caused from the reverse side of Iron '*khanda*' by members of opposite party.
3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that in any case, the present case is a case of cross-versions wherein the injured (complainant in DDR)-Iqbal Singh as well as the petitioner have both sustained 'grievous' injuries.

4. Learned State counsel has, however, opposed the petition on the ground that the petitioner having been specifically named in the DDR and having inflicted a 'grievous' injury with the help of '*khanda*' to Iqbal Singh does not deserve the concession of anticipatory bail, particularly when he happens to be involved in one more case for offence under Sections 336, 506, 148, 149 IPC and Section 25 of the Arms Act.

5. The learned State counsel has, however, not disputed the fact that it is a case of cross-versions wherein the petitioner has himself sustained a 'grievous' injury.

6. Having regard to the aforestated position wherein both the sides have sustained injuries and cross-versions have been recorded, it will be debatable as to which of the parties is the aggressor.

7. Having regard to the facts and circumstances of the case, the petition is hereby accepted and the petitioner in the event of his arrest shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

01.12.2022
Poonam Sharma

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No