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225 CRM-M-19530-2023 2023:PHHC: 059245
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19530-2023
Date of Decision: 26.04.2023

SANDEEP SINGH

... PETITIONER

verus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Ms. Arti Kaur, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of the concession of bail in cross-case DDR No. 30 dated 16.02.2023 under Sections 323, 341, 506, 148, 149 IPC, later on added Section 326 IPC, registered at Police Station Model Town, Ludhiana in case FIR No. 30 dated 16.02.2023 under Sections 323, 341, 506, 148, 149 IPC, Police Station Model Town, Ludhiana.

Learned counsel for the petitioner submits that it is a case of version and cross-version wherein both the parties received injuries at the hands of each other. Learned counsel has further submitted that the petitioner has not been attributed any injury inviting the mischief of Section 326 IPC and the only injury attributed to him is simple in nature. Learned counsel also submits that the petitioner has no criminal past.

Per contra learned State counsel assisted by ASI - Baldev Singh,

while opposing the prayer made by the counsel opposite, on instructions, has not been able to controvert the factual aspect of the submissions made by the counsel opposite *qua* the role attributed to the petitioner in the crime in question and also that in the occurrence in question, both the parties had received injuries at the hands of each other.

Learned State counsel also has not disputed that the petitioner is not involved in any other criminal case. Learned State counsel submits that final report under Section 173 Cr.P.C. would be presented before the Court concerned in the near future.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 15.02.2023 and as conceded by the learned State Counsel, he has been attributed only a simple injury on the person of the complainant. It has also not been disputed that it is a case of version and cross-version wherein both the parties, who are immediate neighbours, received injuries at the hands of each other.

In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on merits of the case.

26.04.2023
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(MANJARI NEHRU KAUL)
JUDGE

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