

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**208****CRM-M No.33413 of 2022****Date of Decision : 24.07.2023**

Major Singh and Others

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Navjot Singh, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (Oral)

1. This is the first petition filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in cross-case under Sections 323, 324, 326, 354, 354-B, 148 and 149 of the Indian Penal Code, 1860 registered vide GD No.31 dated 28.05.2020 in FIR No.94 dated 26.05.2020 under Sections 326, 324, 354, 354-B, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Ghuman, District Gurdaspur.

2. On 01.08.2022 the following order was passed :

“Instant petition has been filed under Section 438 Cr.P.C., seeking anticipatory to the petitioners in cross-case registered, vide GD No.31 dated 28.05.2020 under Sections 323, 324, 326, 354, 354-B, 148, 149 of Indian Penal Code, 1860 (for short “IPC”) (Annexure P-1) in FIR No.94 dated 26.05.2020 registered under Sections 326, 324, 354, 354-B, 148, 149 IPC at Police Station

Ghuman, District Gurdaspur (Annexure P-2).

Counsel for the petitioners urges that there are allegations and counter-allegations levelled by the parties against each other and the petitioners have been entangled in the cross-case. He contends that it is yet to be determined as to which of the parties was the aggressor. By specifically referring to the allegations levelled in the DDR (Annexure P-1), counsel submits that petitioners No.1 and 2 are alleged to have inflicted datar blows on the non-vital parts of the body of the complainant and injured-Sukhwinder Singh. He submits that insofar as petitioner No.3 is concerned, he has been attributed stick blows on the complainant's wife and is alleged to have torn her shirt. According to counsel, there is no evidence regarding teasing or tearing the clothes of the complainant's wife. Reliance has been placed upon the interim order dated 02.03.2022 (Annexure P-3) passed in CRM-M-8701 of 2022 titled as 'Rajbir Singh Vs. State of Punjab', whereby, co-accused has been released on interim bail by this Court.

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Sr. DAG, Punjab accepts notice on behalf of respondent-State.

List on 30.01.2023.

Meanwhile, the petitioners shall join the

investigation and would come present as and when called by the Investigating Officer and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioners states that the petitioners have since joined the investigation and fully cooperated.

4. Learned counsel for the State on instructions from ASI Balbir Singh has stated that the petitioners have since joined investigation and fully cooperated. Learned State counsel has further stated that the petitioners have handed over the alleged weapon and they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 01.08.2022 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

24.07.2023

jk

**(ALKA SARIN)
JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO