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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 37935-2023
Date of decision: 04.08.2023*Shivraj Singh**.....Petitioner**Versus**State of Punjab**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in a cross case *i.e.* DDR No. 35 dated 30.05.2023, registered under Sections 323, 324, 148 and 149 of the Indian Penal Code and Section 326 IPC added later on in FIR No. 74 dated 29.05.2023 registered under Sections 458, 324, 323, 34, 447, 511, 427 and 506 IPC, at Police Station Sadar Bathinda, District Bathinda.

2. It is submitted by counsel for the petitioner that case against the petitioner is totally false and concocted. Even as per the facts as alleged in the present case, the incident happened in the land of co-accused Rajwinder Singh. Moreover, it is a case of version and cross-version. All the accused from the opposite side have already been granted concession of anticipatory bail. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

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Notice of motion.

4. Mr. Sandeep Singh, Additional Advocate General Punjab accepts notice on behalf of the respondent - State.

5. Counsel for the State, being assisted by ASI - Dharamvir Sharma, P S Sadar Bathinda has submitted that the petitioner is attributed a grievous injury with a spade. Therefore, weapon of offence is yet to be recovered by the police. However, it is not disputed that the present is a case of version and cross version and that all the accused from the other side have already been granted concession of anticipatory bail.

6. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

August 04, 2023
mohan bimbura

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