

2023:PHHC:159924

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-59912-2023

Date of Decision: 13.12.2023

Pawan Kumar and another ...Petitioners

Vs.

State of Punjab ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. A.S. Manaise, Advocate for the petitioners.
Mr. Mohit Chaudhary, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. At the very outset, learned counsel for the petitioners submits that he does not press the present petition qua the petitioner No. 2.

2. Dismissed as withdrawn qua petitioner No. 2.

3. The petitioner No. 1 has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.105 dated 05.08.2023 registered under Sections 459, 323, 325, 148 and 149 IPC at Police Station Vairoke, District Fazilka.

4. As per the allegations levelled by the complainant, the petitioner No. 1 was armed with a *Kirpan* and gave a blow with it on the left hand of the complainant. Learned counsel for the petitioner No. 1 contends that the said injury suffered by the complainant Soma Rani wife of Surjeet Singh is simple in nature. He further contends that the injured Surjeet Singh got his statement recorded. He further

contends that it is a case of version and cross-version. On the basis of the statement made by Kulwinder Rani, injured on the side of the petitioner No. 1, a cross case vide GD No. 6 dated 06.08.2023 under Sections 323 and 34 IPC (Annexure P-3) has been registered against the complainant side. He further contends that similarly placed co-accused namely, Sohan Singh @ Bakhshish Singh and Joginder Singh, have already been granted the concession of interim anticipatory bail by this Court vide order dated 17.11.2023 (Annexure P-4).

5. A short reply by way of an affidavit of the Deputy Superintendent of Police, Sub-Division, Jalalabad has been filed on behalf of the respondent- State and the same is taken on record. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner No. 1 on the ground that there are serious and specific allegations against the petitioner No. 1 and the petitioner No. 1 is not entitled for the concession of bail.

6. I have heard learned counsel for the parties and perused the record.

7. It is a case, in which, the FIR was initially registered against the petitioner No. 1 and his co-accused, however, a cross version was also registered against the present complainant side. Even, similarly placed co-accused namely, Sohan Singh @ Bakhshish Singh and Joginder Singh, have already been granted the concession

of interim anticipatory bail by this Court vide order dated 17.11.2023 (Annexure P-4).

8. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner No. 1 is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner No. 1 to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

13.12.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No