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CRA-S-101-2024
Decided on : 02.08.2024

Versus

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Ms. Ekta Thakur, Advocate
for the complainant.

The appellant is impugning the order dated 21.11.2023 passed by Additional Sessions Judge, Hoshiarpur, whereby his application under Section 438 Cr.P.C. in case FIR No.133 dated 12.05.2023 under Sections 302/120-B IPC and Sections 25/27 of the Arms Act, 1959 as well as Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Model Town, Hoshiarpur, was declined.

2. On the last date of hearing i.e. on 26.04.2024 while noticing the following submissions made by the learned counsel for the appellant, this Court had granted the concession of interim bail to the appellant and asked him to join investigation:



“Learned counsel for the appellant inter alia contends that it is a case of version and cross-version, wherein both the sides received injuries at the hands of each other; learned counsel has submitted that rather the appellant is complainant in the FIR, wherein allegations had been levelled against the opposite side for committing the murder of one Sajan Singh. Learned counsel, while drawing the attention of this Court to the cross-version, has submitted that no specific role, much less injury, had been attributed to the appellant in the occurrence in question and totally vague allegations had been levelled therein that the appellant along with the co-accused collectively inflicted injuries on the person of the injured-Jaspreet Singh.

Learned State counsel has filed short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division City, District Hoshiarpur on behalf of respondent No.1 in the Court today, which is taken on record. Learned State counsel, assisted by learned counsel for the complainant, have not disputed that it is a case of version and cross-version and furthermore, no specific role or injury has been attributed to the appellant in the occurrence in question, wherein some injuries were alleged to have been collectively inflicted at one Jaspreet Singh. On a pointed query put to the learned State counsel as to whether the appellant has any criminal antecedents, he, on instructions, has replied in the negative.”

3. Learned counsel for the appellant submits that in



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compliance of order dated 26.04.2024, the appellant has joined the investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, has not controverted the submissions made by the counsel opposite. He further submits that the appellant is not further required for custodial interrogation.

5. In view of the above, present appeal is allowed and interim order dated 26.04.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC.

02.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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