

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62026-2023

Date of Decision: 16.01.2024.

Sukhwinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Amit Arora, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Joginder Pal, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in cross case GD No.29 dated 02.10.2023, registered under Sections 324, 326, 506, 34 of IPC (Annexure P-2) in case FIR No.176 dated 01.10.2023, registered under Sections 323, 341, 506, 148, 149 of IPC, at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner submits that the alleged incident had taken place at about 9.45 am on 25.08.2023, whereas the cross version was registered on 02.10.2023, after a delay of about 36 days. He further contends that the cross version was got recorded by the complainant after due deliberations and a false role of causing injury with a *datar* on the elbow of the complainant has been assigned to him. Learned counsel further contends that in fact, the present complainant side had caused an injury with an iron rod on the

head of the present petitioner and the petitioner had suffered an injury on his head as a consequence to that. Learned counsel further contends that in the present case, two cross versions have been recorded by the police and the question of aggressor is yet to be adjudicated by the trial Court, during the course of the trial. Learned counsel further contends that the opposite side has already been admitted to bail in the cross version got registered by the present petitioner. He further contends that the petitioner is ready to join the investigation.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the injury caused by the present petitioner had been declared to be grievous in nature and the petitioner does not deserve the concession of bail by this Court.

4. Having heard learned counsel for the parties and perusing the record, this Court is of the considered opinion that the present petition deserves to be allowed by this Court. The cross version in the present case has been got registered by the complainant side after the unexplained delay of 36 days and there are chances that the embellishment might have crept in the version of the prosecution. Apart from that, the petitioner himself had suffered an injury on his head in the present case, for which the present complainant side is also facing a separate prosecution. Apart from that, the injured in the present case already stands discharged and the opposite side has also been admitted to bail. Thus, no purpose would be served by sending the petitioner behind bars and the present petition is ordered to be allowed. The petitioner 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 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.

16.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No