

(2013) 08 P&amp;H CK 0538

**High Court Of Punjab And Haryana At Chandigarh****Case No:** Criminal Miscellaneous No. M-19301 of 2013 (O and M)

Gurdev Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

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**Date of Decision:** Aug. 16, 2013**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 438(2)
- Penal Code, 1860 (IPC) - Section 323, 325, 326, 34, 427

**Hon'ble Judges:** Naresh Kumar Sanghi, J**Bench:** Single Bench**Advocate:** Bikramjit Arora, for the Appellant; K.S. Pannu, DAG, for the Respondent

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**Judgement**

Naresh Kumar Sanghi, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner, Gurdev Singh, who has been booked for having committed the offences punishable under Sections 325 and 326 read with Section 34, IPC, in a case arising out of FIR No. 27, dated 30.04.2013, registered at Police Station, Sarai Amant Khan, District Tarn Taran. Learned counsel contends that it is a case of version and cross-version; that the mother of the petitioner had received grievous injuries at the hands of the complainant side; that the co-accused of the petitioner has already been granted the benefit of anticipatory bail; that the matter was reported to the police after a delay of two months; that the occurrence had taken place inside the house of the petitioner and Bhupinder Kaur (witness) has also stated the said fact to the Investigating Agency.

2. Learned counsel for the State, on instructions from SI Rajesh Kumar, Police Station, Sarai Amant Khan, District Tarn Taran, very fairly concedes that on the statement of the mother of the petitioner, the complainant side of the case in hand has been booked for having committed the offences punishable under Sections 323, 326, 427 and 452 read with Section 34, IPC. He also concedes that from the material

available on record, it transpires that the occurrence had taken place inside the house of the petitioner. Though in the cross case, the other party had alleged that the occurrence had taken place in the street in front of their house.

3. Heard.

4. It is a case of version and cross version. Both the sides have received the injuries, attracting the mischief of Section 326, IPC. Perusal of the police file shows that Sukhdev Singh etc. (complainant side of this case) had gone to the house of the petitioner armed with dangerous weapons and caused injuries to Gurdev Singh and his mother, Gurbachan Kaur. The said incident was witnessed by Bhupinder Kaur. The site plan prepared by the Investigating Agency clearly depicts that the occurrence had taken place inside the house of the petitioner. Which party is aggressor would be a moot point during the course of trial.

5. Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed.

6. In the event of his arrest, the petitioner shall be released on anticipatory bail subject to his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the arresting officer. The petitioner shall join the investigation as and when required to do so and abide by all the conditions laid down in Section 438(2), Cr.P.C.