

(2012) 09 P&H CK 0328

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-24763 of 2012

Harpreet Singh and Another

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Sept. 13, 2012

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 438
- Penal Code, 1860 (IPC) - Section 324, 326, 34

Citation: (2012) 1 ILR (P&H) 918

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: L.S. Sidhu, for the Appellant; C.S. Brar, DAG Punjab and Mr. Pardeep Singh Mirpur, for the Respondent

Final Decision: Allowed

Judgement

Mehinder Singh Sullar, J.

Petitioners- Harpreet Singh s/o Sukhdev Singh and his wife Baljit Kaur @ Veera, have preferred the instant petition for the grant of anticipatory bail, in a case registered against them along with other co-accused, by means of FIR No. 26 dated 04.6.2012, for the commission of offences punishable under Sections 324 and 326 read with Section 34 IPC, by the police of Police Station Joga, District Mansa, invoking the provisions of Section 438 Cr. P.C.. Notice of the petition was issued to the State.

2. After hearing the learned counsel for the parties, going through the record, with their valuable assistance and after deep consideration of the entire matter, to my mind, the petitioners are entitled to the concession of anticipatory bail in this context.

3. During the course of preliminary hearing, the following order was passed by this Court on 17.8.2012 :-

Learned counsel, inter alia, contended that no injury or overt-act is attributed to the petitioners. The main injury subject matter of offence u/s 326 IPC is attributed to Sukhdev Singh (non-petitioner). The argument is that it is a case of cross-version and the petitioners have been falsely implicated in the instant case.

Heard.

Notice of motion be issued to the respondent, returnable for 03.09.2012.

Meanwhile, the petitioners are directed to join the investigation before the next date of hearing. In the event of their arrest, the Arresting Officer would admit them to bail on their furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- each to his satisfaction.

4. At the very outset, learned State counsel has acknowledged the factual matrix and submitted on instructions from HC Bikar Singh, that the petitioners have already joined the investigation. They are no longer required for further interrogation at this stage.

5. Moreover, no injury or overt-act is attributed to the petitioners. The main injury, subject matter of the offence punishable u/s 326 IPC is attributed to Sukhdev Singh (non-petitioner). It is a case of cross-version. There is no history of their previous involvement in any other criminal case. The offences alleged against the petitioners are triable by the Court of Magistrate. Even, since the prosecution did not present the challan/final police report against the accused, so, the conclusion of the trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of the facts and circumstances, emanating from the record, as discussed here-in-above, the instant petition for anticipatory bail is accepted. The interim bail already granted vide order dated 17.08.2012, is hereby made absolute. Needless to mention that, in case, the petitioners do not cooperate or joins the investigation, the prosecution/complainant would be at liberty to move a petition for cancellation of their bail, in this relevant direction.