
(2010) 11 P&H CK 0167
In the Punjab And Haryana At Chandigarh
Case No : CRM No. M-25431 of 2010

Babu Lal and Ajju alias Ajay Singh

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision : 17-11-2010

Acts Referred:

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

Citation : (2010) 11 P&H CK 0167

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Judgement

Mehinder Singh Sullar, J.—Invoking the provisions of Section 438 Code of Criminal Procedure, Petitioners Babu Lal and Ajju alias Ajay Singh sons of Lal Chand, have instituted the instant petition for anticipatory bail in a case registered against them alongwith their other co-accused, namely, Sukhdev Singh alias Sabu, vide FIR No. 110 dated 17.6.2010, on accusation of having committed the offences punishable under Sections 324 and 326 read with Section 34 IPC by the police of Police Station Beas, Distt. Amritsar.

2. After hearing the learned State counsel, going through the record with his valuable help and after deep consideration over the matter, to my mind, the present petition deserves to be accepted in this context.

3. A Coordinate Bench of this Court (Gurdev Singh, J.), while issuing notice of motion, passed the following order on 31.8.2010:

Heard.

It has been submitted by learned Counsel for the Petitioners that in this occurrence Babu Lal, Petitioner No. 1 also received injuries and that the injury which was u/s 326 IPC was found on the little finger, which is not a vital part of the body.

Notice of motion for 14.10.2010.

In the meanwhile, in the case of arrest of the Petitioners, in the FIR mentioned in the petition, they shall be released on bail to the satisfaction of Arresting Officer subject to the following conditions:

- i) They shall join the investigation as and when required by the Investigating CRM No. M-25431 of 2010 Officer;
- ii) They shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and iii) They shall not leave the limits of this country without prior permission of the Court.

4. At the very outset, the learned State counsel, on instructions from ASI Mohan Singh, has submitted that the Petitioners have already joined the investigation, in pursuance of order of this Court and they are no longer required for further interrogation at this stage. Moreover, Sukhdev Singh, co-accused of the Petitioners, was arrested and allowed regular bail.

5. It is not a matter of dispute that Petitioner Babu Lal also received injuries. The injury, subject matter of offence u/s 326 IPC, attributed to Petitioner No. 2, was found on the little finger of left hand of complainant Navjot Singh. Since it is a case of cross version, so, which of the parties was the aggressor, would be the moot point to be decided during the course of trial by the trial Court. Moreover, all the offences alleged against the Petitioners are triable by the Court of Magistrate. There is no history of their previous involvement in any criminal case.

6. So, taking into consideration the totality of the facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, the present Petitioners are entitled to anticipatory bail in the obtaining circumstances of the instant case.

7. Consequently, it is directed that in the event of their arrest, the Petitioners shall be released on anticipatory bail on their furnishing bail and surety bonds in the sum of Rs. 10,000/-each to the satisfaction of Arresting Officer, subject to the conditions that (i) they shall make themselves available for interrogation by the Investigating Agency as and when required; (ii) they shall not directly or indirectly make any inducement, threat or promise to any person CRM No. M-25431 of 2010 acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and (iii) they will not leave India without prior permission of the trial Court.

8. Needless to mention that in case, the Petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of their bail, in this relevant connection.