

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-1181 of 2015

.....

Date of decision:21.2.2015

Jasvir Lavan

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Vishavjeet Singh, Advocate for the petitioner.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.79 dated 22.9.2014 registered
for the offences under Sections 452, 447, 323, 148, 149 and 427 IPC at
Police Station Haibowal, District Ludhiana.

Notice of motion has been issued in this case.

Mr. S.S. Chandumajra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and
contested this petition.

I have heard learned counsel for the petitioner and learned
Deputy Advocate General, Punjab appearing for the respondent-State and
have gone through the record.

At the time of arguments, I find that the only non-bailable

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offence is under Section 452 IPC. The remaining offences are bailable. The allegations as per the FIR are that the accused entered the house and gave beating and inflicted injuries which are simple injuries under Section 323 IPC. There are also allegations that the petitioner along with his co-accused broken the newly constructed wall.

The petitioner has already joined the investigation. He is not required for custodial interrogation in this case. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 19.1.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 21, 2015.

(Inderjit Singh)
Judge

hsp