

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc.No.M-20482 of 2014 (O&M)

Date of Decision : 10.3.2015

Sarbjit Singh @ Sabbu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Achin Gupta, Advocate
for the petitioner.

Mr.PJS Hundal, AAG, Punjab.

.....

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. praying for release of the petitioner on bail in terms thereof in a case registered vide FIR No.94 dated 20.4.2014 under Sections 307/324/323/34/353/186 IPC, at Police Station Kotwali Faridkot, District Faridkot.

The petitioner is alleged to have attacked the complainant with a Kappa and attempted to inflict a blow on his head which was eventually taken by the complainant on his hands which he had raised to block the intended blow on his head. The other injury is alleged to have been caused by the petitioner with a base-ball blow which felled the complainant and then the petitioner allegedly gave blows from the back side of the Kappa on the back of the complainant. The MLR found three injuries on the person of the complainant which were

declared to be simple in nature.

This court on an earlier occasion permitted the petitioner to join the investigation under protection on 19.8.2014 pursuant to which the petitioner is said to have joined the investigation, even though the Investigating Officer would state that the petitioner has not cooperated fully to get the weapon recovered.

Upon consideration of the matter, I am of the opinion that the petitioner having joined the investigation, no fruitful purpose would be served to submit him to arrest at this stage of the proceedings when sufficient time has elapsed from the date of incident with the police getting ample opportunity to conclude its investigation. Besides, the injuries attributed to the petitioner have been found to be simple in nature and the incident further is alleged to have taken place in the backdrop of an electoral exercise.

Having regard to the aforesaid, the interim directions dated 19.8.2014 are hereby made absolute subject to the condition that the petitioner continues to comply with the provisions of Section 438(2) Cr.P.C.

Petition stands allowed.

10.3.2015

(MAHESH GROVER)
JUDGE

dss