

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-2779 of 2015

Date of Decision : 27.04.2015

Baldev Raj

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

Present: Ms. Prashant Vashisth, Advocate
for the petitioner.

Mr. Gazi Mohd. DAG, Punjab.

R.P. Nagrath, J. (Oral)

Prayer in the instant petition is made for grant of pre-arrest bail under Section 438 Cr.P.C. in FIR No. 223 dated 25.11.2014 for offences under Sections 323, 354, 452 and 34 of Indian Penal Code (IPC), registered at Police Station Division No. 8, Jalandhar City, District Jalandhar.

The version of the prosecution is that there was a dispute of the construction of gate of the temple and the petitioner inflicted injury from the reverse side of *kirpan* for attracting Section 323 IPC. He alongwith co-accused is said to have entered the house of the complainant and slapped his mother and torn her clothes. As per prosecution story, the dispute was between the petitioner and the boys and mother of the complainant intervened.

Learned State counsel submits that the petitioner has not joined the investigation in deference to the order dated 27.01.2015.

After hearing learned counsel for the petitioner and the State counsel, the instant petition is allowed with a direction to the petitioner to appear before the Arresting/Investigating Officer on 01.05.2015 between 11.00 a.m. to 02.00 p.m. and on doing so, he shall be released on bail by the Arresting/Investigating Officer on obtaining bail bonds to his satisfaction. The petitioner is also directed to keep on joining the investigation as and when required and cooperate with the same. The petitioner shall also abide by the restrictions contained in Section 438 (2) Cr.P.C. Any recovery made in pursuance to the disclosure statement would be admissible under Section 27 of the Evidence Act. In case, petitioner fails to appear before the Arresting/Investigating Officer on the date stipulated above, the concession granted to him vide this order shall automatically stand vacated.

April 27, 2015
jk

(R.P. NAGRATH)
JUDGE