

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-28094 of 2014 (O&M)

Date of Decision: 13.07.2015.

Angrej Singh & another

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. V.K. Sandhir, Advocate for the petitioners.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. Vivek Salathia, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioners in case F.I.R. No. 100 dated 25.5.2014 under sections 323, 324, 325, 308, 34 I.P.C (section 308 I.P.C is added now) registered at Police Station, Gharinda, Amritsar Rural.

On 20.8.2014, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioners submits that earlier the FIR was registered under Sections 323/324/34 IPC and on receipt of X-ray report, the offence under Section 325 IPC was added. Learned counsel further submits that the petitioners were granted regular bail on 09.06.2014 and they joined the investigation. Subsequently, offence under Section 308 IPC has been added. Learned counsel also submits that the petitioners have earlier joined investigation and still ready to join investigation, if required. Nothing is to be recovered from the petitioners as recovery has already been effected.

Notice of motion for 12.11.2014.

Meanwhile, in the event of arrest, the petitioners shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the Investigating Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii)that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioners shall not leave India without the prior permission of the Court.”

This Court has been apprised by learned State counsel, who is on instructions from ASI Shamsheer Singh that the petitioners have since joined investigation. Even the weapons used in the alleged occurrence i.e. *datar* and *gandasi* have since been recovered.

It also stands conceded that the offence that has attracted section 308 I.P.C on account of injury suffered by complainant Ravinder Singh is attributed to Sahib Singh i.e. non-applicant and who in turn has been granted the benefit of regular bail by this Court.

Under such circumstances, custodial interrogation of the petitioners would not be warranted. Present petition is, accordingly, allowed. Order dated 20.8.2014, passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

13.07.2015
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