

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

CRM-M-31748-2015

Date of decision: 19.10.2015

Surjit Singh and anr.

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Naveen Batra, Advocate
for petitioner No.1.

Mr. P.S. Bajwa, DAG, Punjab.

Mr. R.K. Dadwal, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner No.1 seeks pre-arrest bail in FIR No.109 dated 30.08.2015 under Sections 323, 324, 307, 341, 379-B, 34 IPC, registered at Police Station Mehtiana, District Hoshiarpur.

Notice of motion was issued and interim protection was granted.

Learned counsel for petitioner No.1 submits that he has joined the investigation and cooperated with the investigating agency. Keeping in view the nature of injuries, custodial interrogation of the petitioner would not be required. He prays for dismissal of the present petition.

On the other hand, learned counsel for the State, on instructions from SI Bhupender Singh, Police Station Mehtiana, Hoshiarpur and also learned counsel for the complainant vehemently contended that petitioner is

not entitled for the concession of pre-arrest bail. They submit that petitioner raised lalkara and thereafter, caused numerous injuries on the person of the injured-complainant. They pray for dismissal of the present petition.

Having heard the learned counsel for the parties and keeping in view the totality of facts and circumstances of the case, petitioner No.1 has been found entitled for the concession of anticipatory bail. It is so said because admittedly no allegation qua offence under Section 307 IPC is levelled against the petitioner. So far as petitioner No.2 is concerned, instant petition has already been dismissed as withdrawn qua him.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 17.09.2015 qua petitioner No.1 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

19.10.2015
vishnu