

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-3225-2015

Date of decision:07.04.2015

Gurbhajan Singh alias Harbhajan Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.C.M.Munjal, Advocate for the petitioner.

Mr.D.S.Virk, AAG Punjab.

Mr.S.P.S.Sidhu, Advocate for complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.196 dated 22.11.2014 registered under Sections 302, 307, 323, 148, 149 Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of Arms Act, 1959 at Police Station Makhu, District Ferozepur.

Vide order dated 30.01.2015, notice of motion was issued and vide order dated 20.02.2015 interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that in compliance of the order dated 20.02.2015 passed by this Court, petitioner has joined investigation. The alleged weapon has also been recovered from the petitioner. He is no more required for the purpose of further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Lakhwinder Singh, Police Station Makhu, Ferozepur, submits that

in compliance of the order dated 20.02.2015 passed by this Court, petitioner has joined the investigation and is no more required for any further investigation.

However, Learned counsel for the complainant while referring to the injury attributed to the petitioner submits that petitioner was armed with a deadly weapon. He caused injury on the person of Kulwinder Singh, cousin of the complainant and his active participation in commission of crime is clearly established from the FIR itself. He prays for dismissal of the instant petition.

After hearing learned counsel for the parties at considerable length and giving thoughtful consideration to the facts and circumstances of the case, this Court is of the considered opinion that petitioner is entitled for pre-arrest bail. It is so said because petitioner has not caused any injury on the person of the deceased. Even as per allegations levelled in the FIR, he has caused simple injury on the person of injured Kulwinder Singh and that too only on the non-vital parts of the body. He has joined investigation and recovery has also been effected from him. He is no more required for any further investigation.

Without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the instant petition is allowed and the order dated 20.02.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

07.04.2015
anil

(RAMESHWAR SINGH MALIK)
JUDGE