

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-32809 of 2015

.....

Date of decision:20.11.2015

Pankaj and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. Rishu Mahajan, Advocate for the petitioners.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.60 dated 30.4.2015 registered for the offences under Sections 307, 323, 324, 382, 148 and 149 IPC at Police Station C-Division, Amritsar, District Amritsar.

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

Learned counsel for the petitioner argued that there is delay of

six days in recording the FIR. The occurrence was occurred on 24.4.2015, but the FIR was registered on 30.4.2015.

From the record, I find that firstly, the petitioners have joined the investigation and they are not required for custodial interrogation. Secondly, though Pankaj-petitioner is stated to be armed with baseball bat, but no injury is attributed to him. As regards petitioner-Suraj, he was stated to be armed with baseball bat, but simple injury on face is attributed to him.

Keeping in view the facts and circumstances of the case and in view of the fact that the petitioners are not required for custodial interrogation and the injuries for the offence under Section 307 IPC etc. are not attributed to the present petitioners, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 29.10.2015 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 20, 2015.

(Inderjit Singh)
Judge

hsp