

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-34017 of 2015

.....

Date of decision:30.11.2015

Shiva alias Machhi

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Shashikant Gupta, Advocate for the petitioner.

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

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.70 dated 14.5.2015 registered for the offences under Sections 326, 307, 452, 427, 148, 149 and 506 IPC and Sections 25 and 27 of the Arms Act at Police Station B-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 petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

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The petitioner has already joined the investigation. He is named in the FIR. It is stated as a no injury case. No injury has been received by any person on the complainant side.

Learned counsel for the petitioner has stated that there is previous enmity between the parties and earlier also a false case was registered at the instance of the complainant and the trial of the said case is going on and that case is of version and cross-version and to put pressure this false case has been registered. It is also stated that the complainant side has involved as many as 9-10 assailants, but no injury has been caused to anybody. The petitioner is not required for custodial interrogation. No useful purpose will be served by sending the petitioner 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 21.10.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner 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 30, 2015.

(Inderjit Singh)
Judge

hsp