

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

**CRM-M No. 41009 of 2014 (O&M)
Date of decision: 23.07.2015.**

Jasbir Singh and another

..... Petitioners.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Gursimran Singh, Advocate, for the petitioners.

Mr. K.S. Pannu, DAG, Punjab, for the respondent.

Mr. Sarabjit Singh, Advocate, for the complainant.

NAVITA SINGH, J. (ORAL)

This petition has been moved by the petitioners under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No. 63 dated 20.07.2013, under Sections 323, 324, 326, 148 and 149 of the Indian Penal Code of Police Station Majitha, District Amritsar.

The petitioners have joined investigation, as stated by the State counsel on instructions from ASI Durlabh Darshan of Police Station Majitha.

It is affirmed that the incident was of 17.07.2013 and the injured went for medical examination on 18.07.2013 at 10:30 p.m., but he was medico-legally examined on 19.07.2013 at 11:30 a.m. The information given by the injured to the medical officer concerned was that he had been assaulted on 17.07.2013 at 06:30 p.m. after hitting by a tractor and assaulted by a sword.

Counsel for the petitioners submits that there is no such allegation in the FIR of being hit by the tractor or having been attacked by a sword.

It is also submitted that a case has been lodged by petitioner No. 1 against the injured in which petitioner No. 2 is the witness and, therefore, they have been falsely implicated in retaliation.

Without commenting on the merits of the case in any manner and also without commenting on the case lodged by petitioner No. 1 against Gulzar Singh, the interim relief granted to the petitioners on 19.12.2014 is made absolute, as they have already joined investigation and nothing is to be recovered from them. This, however, would be subject to the conditions under Section 438 (2) of the Code of Criminal Procedure.

The petition stands disposed of accordingly.

(NAVITA SINGH)
JUDGE

23.07.2015
Ramesh