

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

Crl.Misc.No.M-43122 of 2014(O&M)

Date of Decision : 20.03.2015

Kashmir Giri (Mahant)

....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.J.S.Bhandahal, Advocate for the petitioner

Mr. Ravinder Singh Randhawa, Addl. AG, Punjab

Mr. Gulzar Mohd. Advocate for the complainant

MAHESH GROVER, J.

The petitioner in the instant petition prays for grant of pre-arrest bail in case FIR no. 235 dated 2.9.2014 registered under Sections 323, 324, 326, 148, 149 IPC at Police Station City Khanna, District Ludhiana.

The backdrop of the case is regarding control of affairs of a religious place and a civil suit is pending inter se between the parties. Both the parties had a scuffle resulting in allegations and counter allegations. Initially a case under Section 323, 324, 148, 149 IPC was registered against the petitioner but subsequently almost after a month the offence under Section 326 IPC was added to which the petitioner protested by making representations to the competent authority for constitution of a medical board in order to examine the injury inviting the provisions of Section 326 IPC. It is alleged by the petitioner that injured did not participate before the board for as long as 2 months and eventually when he appeared the doctors could not give any definite opinion. It is contended that petitioner thus

deserves the concession of pre-arrest bail as Section 326 IPC was added to aggravate the offence and allegations against the petitioner.

The respondents would thus resist the prayer for pre-arrest bail by stating that the petitioner is involved in a violent incident where provisions of Section 326 IPC are attracted.

On due consideration of the matter and noticing the fact that essential cause of dispute is the control of affairs of a religious place regarding which civil suit is also pending and also noticing the fact that both the parties are involved in a scuffle inviting similar allegations against each other and further considering the fact that Section 326 IPC is added after a delay of one month and regarding which medical opinion is also not conclusive as on day and also considering the fact that pursuant to the interim directions dated 18.12.2014 the petitioner has joined investigation, which fact is not controverted by the learned State counsel, instant petition is accepted. Interim directions dated 18.12.2014 are hereby made absolute subject to the condition that the petitioner continues to comply with the provisions of Section 438 (2) Cr.P.C.

Nothing said herein shall be construed to be an expression on the merits of the case.

March 20, 2015
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(Mahesh Grover)
Judge