

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

CRM No.M-6865 of 2015 (O&M)

Date of Decision: 02.07.2015.

Bhavnish Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Gautam Kaile, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. Mehtab Khaira, Advocate for
Mr. Hemant Bassi, Advocate for the complainant.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. Seeking the concession of pre-arrest bail to the petitioner in case FIR No.52 dated 15.04.2014, under Sections 323/452/506/34 IPC registered at Police Station Mataur, District Mohali.

While issuing notice of motion on 02.03.2015, the following order was passed by this Court:

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail in FIR No.52 dated 15.04.2014 registered under Sections 323/452/506/34 IPC at Police Station Mataur, Mohali.

Counsel would inter alia contend that civil proceedings were initiated by the petitioner against the complainant- Surender Singh S/o Sh. Inder Singh in the year 2010 and which are still pending. It is submitted that the FIR in question is a mere counter-blast to the proceedings initiated by the

petitioner against the complainant. That apart, the only allegation against the petitioner is that he had given a punch blow on the nose of the complainant. Counsel submits that the petitioner is otherwise ready and willing to join investigation.

Notice of motion, returnable for 02.07.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions enumerated under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Ranjit Singh would apprise the Court that the petitioner has since joined investigation and no kind of recovery is to be effected from him.

Even though allegations have been raised against the petitioner with regard to having given a punch blow on the nose of the complainant, yet during the course of hearing today and inspite of a specific query having been put to the counsel appearing for the complainant, no document has been produced to substantiate and corroborate such allegation in the light of any medical examination report.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Accordingly, petition is allowed. Order dated 02.03.2015 passed by this Court is made absolute.

Disposed of.

02.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**