

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Misc.No.M-78 of 2015 (O&M)

Date of decision: 12th February, 2015

Raj Kumar and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sandeep Arora, Advocate,
for the petitioners.

Mr. S.S.Chandumajra, DAG, Punjab,
for the respondent(s)-State

INDERJIT SINGH, J.

This petition qua petitioner Nos.1 and 4 namely Raj Kumar and Manohar Lal has already been dismissed as withdrawn vide order dated 06.01.2015.

Petitioner Nos.2 and 3 Harbanso Devi and Vijay Kumar have preferred this petition under Section 438 Cr.P.C., seeking anticipatory bail in case FIR No.91 dated 19.11.2014, registered at Police Station Kahnuwan, District Gurdaspur, under Sections 326, 323, 324, 34 IPC (Section 326 IPC added later).

Learned counsel for the petitioners contended that there is delay of 3 days in registering the FIR and prayed to grant the anticipatory bail to petitioner Nos.2 and 3.

On the other hand, learned State counsel contested this petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

As per prosecution version, only 'lalkara' has been attributed to petitioner No.2 Harbanso Devi and petitioner No.3 Vijay Kumar was not armed with any weapon and only fist blows are attributed to him. Earlier the FIR was registered under Sections 323, 324, 34 IPC and the offence under Section 326 IPC was added lateron. There is delay of 3 days in registering the FIR. Petitioner Nos.2 and 3 have already joined the investigation and they are not required for any investigation or interrogation purposes nor anything is to be recovered form them. No useful purpose will be served by sending petitioner Nos.2 and 3 to custody.

Keeping in view the facts and circumstances of the present case and without discussing the merits of the case in minute details and without expressing any opinion on the merit of the case, the present petition is accepted and the order dated 06.01.2015, passed by this Court, granting interim bail to petitioner Nos.2 and 3 Harbanso Devi and Vijay Kumar, is made absolute.

12th February, 2015
mamta

(INDERJIT SINGH)
JUDGE