

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

CRM-M -15734 of 2016 (O&M)
Date of decision: 16.08.2016

Pawandeep Singh Bakhshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Rana, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Supinder Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.60, dated 19.03.2016, registered under Sections 353, 186, 332, 506, 148 read with Section 149 IPC and Sections 3, 4, 5 of the Punjab Instruments (Control and Noises) Act, 1956, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

On 06.05.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.60 dated 19.03.2016, under Sections 353, 186, 332, 506, 148, 149 of Indian Penal Code and Sections 3, 4, 5 of the Punjab Instruments (Control and Noises) Act, 1956, registered at

Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

FIR came to be registered on the statement of Head Constable Sukhwinder Singh who stated that on 18.03.2016 he along with other police officials had proceeded to a residential house in Preet Nagar, Sirhind where music was being played at a high level and public nuisance was being created.

Allegations are that the present petitioner along with other boys/co-accused had assaulted the police party and have prevented them from discharging their duties.

It is the contention raised by counsel that even though the present petitioner is stated to have been armed with a kirch yet the injuries suffered by the police party have been opined to be simple in nature. Counsel has also adverted to the order dated 29.04.2016 passed by the learned Additional Sessions Judge, Fatehgarh Sahib whereby it had been noticed that the petitioner had already joined investigation and had cooperated with the Investigating Agency.

Notice of motion, returnable for 16.08.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

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

It is contended that in pursuance of the order dated 06.05.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions, submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 06.05.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

16.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No