

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-16447 of 2016

.....

Date of decision:3.8.2016

Aagiyapal Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Ms. Puja Chopra, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.173 dated 26.9.2015 registered
for the offences under Sections 323, 324, 341, 506, 134 and 34 IPC and
(Section 326 IPC, which was added later on) at Police Station Sadar Patiala,
District Patiala.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has
put in appearance on behalf of the respondent-State and contested this
petition.

I have heard learned counsel for the petitioner as well as
learned Assistant Advocate General, Punjab appearing for the respondent-
State and have gone through the record.

As per the prosecution version, grievous injury is attributed to
non-petitioner. The offence under Section 326 IPC was added later on.

Earlier the present petitioner was on anticipatory bail.

Learned counsel for the petitioner has also stated that compromise has already been effected between the parties. It is also a case of version and cross-version. The accused side has also received the injuries.

From the record, I find that the present petitioner has caused simple injuries with 'Kirpan'. The petitioner has already joined the investigation. Keeping in view the fact that compromise has already been effected and grievous injury has not been caused by the present petitioner and he was earlier granted the benefit of anticipatory bail before the addition of offence under Section 326 IPC and further that it is still to be determined as to who was the aggressor, the custodial interrogation of the petitioner is not required. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 12.5.2016 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 3, 2016.

(Inderjit Singh)
Judge

hsp

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NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No