

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

CRM-M-18068-2015 (O&M)

Date of decision : 21.07.2016

Mohammad Nafees and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Dhindsa, Advocate for the petitioners.

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

Mr. Yogesh Goel, Advocate for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek pre-arrest bail under Section 438 of the Code of Criminal Procedure, in case FIR No.295 dated 07.11.2013, registered under Sections 323, 341, 506, 148 and 149 of the Indian Penal Code (for short, the IPC) and Section 308 IPC (added subsequently, at Police Station Jodhewal, District Ludhiana.

Learned counsel for the petitioners contends that the whole family, including the ladies, has been roped in the present FIR. The petitioners have joined the investigation in terms of the orders passed by this Court.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the investigation and they are not required for custodial interrogation. She further states that even respondent No.7, who has been attributed injury

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attracting Section 308 IPC has joined the investigation and is not required.

Learned counsel for the complainant states that multiple injuries including injuries on the head were inflicted upon the injured. Thus, he prays for dismissal of the instant petition.

Heard.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court to petitioner Nos.1 to 6 and 8, vide order dated 28.05.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

However, the conscience of the Court is not satisfied with the instructions passed by learned State counsel and feels that serious injury has been attributed to petitioner No.7, therefore, no case for grant of pre-arrest bail to petitioner No.7 is made out. Accordingly, instant petition qua petitioner No.7 is dismissed.

21.07.2016

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(JITENDRA CHAUHAN)

JUDGE