

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-21934 of 2016

Date of Decision: 01.09.2016

Vijay Kumar & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Nakul Sharma, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Ms. Gurjeet Kaur, Advocate
for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in a cross-case registered under Sections 307/326/324/148/149 IPC recorded on the statement of complainant Rohit @ Rishu in case FIR No.36 dated 23.3.2016 under Sections 302/307/324/323/148/149 IPC read with Section 25 of the Arms Act registered at Police Station Mamdot, District Ferozepur.

Vide order dated 29.6.2016, this Court while issuing notice of motion, returnable for today, has granted interim bail to the petitioners

subject to their joining investigation and complying with the conditions under Section 438(2) CrPC.

Learned counsel for the petitioners contends that pursuant to order dated 29.6.2016 of this Court, the petitioners have joined investigation.

Learned State counsel, on instructions from ASI Pawan Kumar, does not dispute the aforesaid fact and further submits that the custodial interrogation of the petitioners is no more required at this stage.

However, learned counsel for the complainant has argued that the petitioners were the aggressor and they have caused injuries to Rohit and Rachit.

I have heard learned counsel for the parties.

The fact as to whether the petitioners were the aggressor is a matter of trial. It is only during the course of trial, it can be established as to whether the petitioners were the aggressor. However, in view of the stand of learned State counsel that the petitioners have joined investigation and their custodial interrogation is no more required, the present petition is allowed and the interim order dated 29.6.2016 is made absolute.

However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

September 01, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No