

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

CRM No. M-22073 of 2016

Date of decision:- September 05, 2016

BALVIR KAUR @ BALBIR KAUR AND ANOTHER

.....PETITIONERS..

Vs.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. K.S. Dhillon, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab assisted by
Mr. Kanwal Goyal, Advocate,
for the complainant.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioners have sought pre-arrest bail, feeling apprehension of their arrest, in case FIR No.61, dated 28.05.2016, under Sections 308, 323, 452, 148 and 149 IPC, Police Station Bhogpur, District Jalandhar Rural.

2. At the very outset, it would be significant to mention that instant petition preferred by Balvir Kaur @ Balbir Kaur has already been dismissed as having rendered infructuous vide order dated 22.08.2016. Now, this petition only remains to be decided qua petitioner No.2-Navdeep Singh.

3. On instructions from HC Narinder Singh, Police Station

Bhogpur, learned State counsel has submitted that petitioner-Navdeep Singh has already joined the investigation on 31.08.2016. However, it has been stated that the 'Dattar' allegedly used in the course of occurrence still remains to be recovered.

4. At this juncture, Mr. Kanwal Goyal, Advocate for the complainant has also submitted that petitioner No.2 caused injury, though, which falls within the ambit of Section 323 IPC but after forming an unlawful assembly in furtherance of common intention of that assembly, that too, after scaling the wall of the house of the complainant. As such, he does not deserve the concession of bail.

5. However, this Court does not find any merit in the aforesaid submissions, at this stage. Petitioner No.2-Navdeep Singh has joined the investigation and the other matter(s) would be seen by the trial court during the course of trial as to whether any unlawful assembly was formed or that the injuries were caused in furtherance of the object of said assembly.

6. Thus, this Court while exercising discretion envisaged under Section 438 Cr.P.C., allowed the petition. Petitioner is ordered to be released on bail but subject to the conditions envisaged under Section 438 (2) Cr.P.C.

September 05, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No