

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-2846 of 2016 (O&M) Date of Decision: 29.04.2016
Gurpreet Singh --Petitioner

Versus

State of Punjab --Respondent

2. CRM No. M-5151 of 2016 (O&M)
Daljit Singh --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.P.S. Mann, Advocate for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

Mr. P.K. Bansal, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-2846 of 2016 (Gurpreet Singh Vs. State of Punjab) & CRM No. M-5151 of 2016 (Daljit Singh Vs. State of Punjab) as both these connected petitions have been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners therein in case F.I.R. No.217 dated 16.12.2015 under sections 307, 353, 332, 186, 506, 148 I.P.C and section 67 of Information & Technology Act, 2002, registered at Police Station, Zira, District Ferozepur.

On 8.2.2016., while issuing notice of motion, the following order was passed in CRM No. M-2846 of 2016 by this Court:-

“Counsel would advert to the M.L.R of complainant Gurdeep Singh, ASI placed on record at Annexure P-2 to contend that the same would reflect only superficial injuries and which have been opined to be simple in nature. It is contended that offence under section 307 I.P.C, under such circumstances, would not be attracted.

Notice of motion, returnable for 29.4.2016..

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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.”

Likewise, the notice of motion order dated 1.3.2016 passed in CRM No. M-5151 of 2016 reads in the following terms:-

“Counsel would place reliance upon an order dated 08.02.2016 passed by this Court in CRM No.M-2846 of 2016 whereby co- accused Gurpreet Singh against whom there were similar allegations has been granted interim relief.

Notice of motion, returnable for 29.04.2016.

To be listed along with CRM No. M-2846 of 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 Officer/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.”

Learned State counsel upon instructions from ASI Narinder Singh would apprise the Court that both the petitioners have since joined investigation. It is further submitted that investigation has since been completed and even challan stands presented.

Learned counsel appearing for the complainant does not dispute the fact that as per M.L.R of complainant ASI Gurdeep Singh only

superficial injuries were suffered and which have been opined to be simple in nature.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, both the petitions are allowed. The order dated 8.2.2016 passed in CRM No. M-2846 of 2016 and order dated 1.3.2016, passed in CRM No. M-5151 of 2016, are made absolute.

Petitions are disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.04.2016
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