

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-28896 of 2016  
DECIDED ON: September 27, 2016

KULWANT SINGH

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.S. Barnala, Advocate,  
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

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JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, Kulwant Singh-petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.32, dated 16.07.2016, under Sections 307, 452, 324, 148 and 149 IPC, Police Station Sehna, District Barnala.

2. On 08.09.2016, following order was passed by this Court:-

“Petitioner as a member of unlawful assembly is alleged to have inflicted a gandasi blow on the right arm of the complainant Joginder Singh.

On the instructions of ASI Tarsem Singh, it has been informed that though the medical record is not available but the injury on the arm of the complainant is a bone cut and has also been declared dangerous to life by the Doctor.

On the instructions of ASI Tarsem Singh, it has further been informed that the injury attributed to the co-accused of

the petitioner Gurpreet Singh with a sword on the chest of the complainant has also been declared dangerous to life.

Let the medical record pertaining to the injury on the arm of the complainant be made available on the next date of hearing i.e. 27.09.2016.

Meanwhile, petitioner will join investigation on 17.09.2016. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer as *prima facie* it appears debatable whether a bone cut injury on the arm attributed to the petitioner can be said to be grievous or dangerous to life.”

3. At the very outset of the arguments, it has been submitted by learned State counsel, on instructions from ASI Tarsem Singh that in compliance of order dated 08.09.2016, the petitioner has already joined the investigation and the weapon, which is alleged to have been used during the course of occurrence has already been recovered.

4. In the given circumstances, custodial interrogation of the petitioner is not required for further investigation.

5. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 08.09.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

**September 27, 2016**  
**sonika**

**(JASPAL SINGH)**  
**JUDGE**

*Whether speaking/reasoned:*                      *Yes/No*

*Whether reportable:*                              *Yes/No*