

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30039 of 2016
DECIDED ON: October 18, 2016

PHUMAN SINGH

.....PETITIONER..

VERSUS

STATE OF PUNJAB

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: None for the petitioner.

Mr. B.S. Cheema, DAG, Punjab.

JASPAL SINGH, J (ORAL)

Through instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.57, dated 21.04.2016, under Sections 324, 323, 506, 34 IPC (Section 326 IPC added later on), Police Station Beas, District Amritsar (Rural).

2. On 07.09.2016, following order was passed by this Court:-

“Petitioner apprehends arrest in a case registered at the instance of Palwinder Kaur alleging that on 11.04.2016, the petitioner along with his family members has trespassed in the house of the complainant and armed with gandasi, daang and attacked at the complainant. Petitioner is attributed a datar blow on the right leg of the complainant while she was lying on the ground.

With the assistance of learned State counsel and the investigating officer, I have gone through the medical

record. The X- ray report indicates a bone cut on the front portion of the shin. It will certainly be a debatable issue whether the said injury could be considered as grievous injury under Section 320 IPC.

In view of said circumstances, the case is adjourned to 18.10.2016.

Meanwhile, an interim direction is issued that petitioner will join investigation on 17.09.2016. On his doing so, he shall be released on interim bail to the satisfaction of the investigating officer.”

3. Learned State counsel, on instructions from HC Balkar Singh, Police Station Beas, District Amritsar (Rural) has categorically stated that in compliance of order dated 07.09.2016, petitioner has already joined the investigation and has also got recovered DATTAR, which is alleged to have been used during the course of occurrence. Otherwise also, he is no more required for further investigation/interrogation.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 07.09.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

October 18, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*