

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-29595 of 2015 (O&M)
Date of Decision: 19.01.2016

Himat Singh @ Raju

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Anmol Grewal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.144 dated 28.12.2014 under sections 326, 323, 34 I.P.C, registered at Police Station, Kathunangal, District Amritsar.

On 3.9.2015, while issuing notice of motion the following order was passed by this Court:-

“Learned counsel for the petitioner submits that injury under Section 326 IPC is attributed to Gurmeet Singh, who has been arrested and released on bail. He further submits that the injury said to have been inflicted by the petitioner falls under Section 323IPC. He submits that the petitioner is ready to join the investigation.

Notice of motion, returnable for 31.10.2015.

In the meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on bail to the satisfaction of the arresting/investigating officer subject to the conditions laid down in section 438 sub section 2 clauses (i)(ii) and (iii) of the Code of Criminal Procedure.”

Learned State counsel upon instructions from H.C. Baldev Singh would apprise the Court that the petitioner has since joined investigation. It has also gone unrebutted that the injury attracting offence under section 326 I.P.C is attributed to Gurmeet Singh, co-accused and not to the present petitioner.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 3.9.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

19.01.2016

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