

CRM-M-31085-2016

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

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Date of Decision: 05.10.2016

Charan Dass and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sandeep Sharma, Advocate,
for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab.

Mr. Ramesh Sharma, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioners, Charan Dass and Karamjit have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.95 dated 18.06.2016, registered at Police Station Mehatpur, District Jalandhar Rural, under Sections 323, 341, 326, 506 and 34 IPC.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and the complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the petitioners; learned State counsel as well as learned counsel for the complainant and have

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gone through the record.

From the record, I find that as per the allegation against petitioner No.2-Karamjit, he was armed with *gandasi* and gave four blows from its reverse side on the left side of head of Sonu. Learned State counsel argued that one of the injuries caused by petitioner No.2-Karamjit has been declared grievous.

Keeping in view the facts and circumstances of the present case and also the facts that petitioner No.2-Karamjit has been named in the FIR; stated to be armed with a deadly weapon and has caused injuries on the vital part of body of injured-Sonu, I do not find it a fit case where petitioner No.2-Karamjit is entitled for the benefit of anticipatory bail. Therefore, instant petition is dismissed qua petitioner No.2-Karamjit.

So far as allegation against petitioner No.1-Charan Dass is concerned, he has been stated to be armed with a *dang* and injuries on the middle and little finger of left hand of injured-Sonu have been attributed to him. The grievous injury under Section 326 IPC has been attributed to non-applicant, Santokh.

In pursuance of the interim order dated 16.09.2016, petitioner No.1 has already joined the investigation. He is now not required for custodial interrogation. He has also received injuries in the occurrence, as argued by learned counsel for the petitioners.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in

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this petition qua petitioner No.1-Charan Dass and the same is allowed accordingly. The interim order dated 16.09.2016 passed by this Court, granting interim bail to petitioner No.1, is made absolute. However, petitioner No.1 shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

05.10.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned	:	Yes
Whether reportable	:	No