

Sr. No. 212

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-3163 of 2016 (O&M)
Date of Decision: 22.04.2016

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Sandeep S. Majithia, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.56 dated 26.11.2015, under Sections 341, 324, 323, 34 of Indian Penal Code (Section 326 of IPC has been added subsequently), registered at Police Station Sehna, District Barnala.

While issuing notice of motion, the following order was passed by this Court on 29.01.2016:-

“Counsel has submitted that FIR was initially registered under Sections 341/324/323/34 IPC and offence under Section 326 IPC has been added subsequently on the basis of the medical examination.

It is inter alia contended that the injury attracting offence under Section 326 IPC has been attributed not to the present petitioner but to co-accused,

Gulab Singh, who had allegedly given a sword blow on the thumb of the right hand of the injured/complainant, namely, Jasvir Singh. Counsel further contends that the attribution to the present petitioner is of having given a stick blow on the head of the injured/complainant and such injury has been opined to be simple in nature.

Notice of motion, returnable for 22.04.2016.

In the meanwhile, petitioner is directed to appear before 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/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 SI Satpal Singh would apprise the Court that the petitioner has since joined investigation.

The contentions noticed by this Court while issuing notice of motion have gone unrebutted. That apart State counsel states that even a stick allegedly used by the petitioner in the occurrence has been recovered.

Accordingly, petition is allowed. Order dated 29.01.2016, passed by this Court, is made absolute.

Disposed of.

22.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**