

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-31118-2015 (O & M)
Date of decision: 12.01.2016

Vijay Kumar @ Vijay Singh @ Chitta

...Petitioner(s)

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Devinder Kumar, Advocate,
for Mr. P.K.S. Phoolka, Advocate,
for the petitioner(s).

Mr. A.S. Kler, DAG, Punjab.

Tejinder Singh Dhindsa, J. (oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioner in case FIR No.442 dated 07.12.2014, under Sections 452/427/324/148 and 149 IPC, registered at Police Station Kotwali, District Bathinda.

On 14.09.2015, while issuing notice of motion, the following order was passed by this Court:

“Prayer made in the present petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.442 dated 07.12.2014 under Sections 452/427/324/148/149 IPC, registered at Police Station Kotwali, District Bathinda.

Learned counsel for the petitioner contends that on account of his ill-health, he could not join the investigation and the only injury attributed to the petitioner is giving 'gandasa' blow on the right shoulder of the complainant. The injury so attributed is simple in nature.

Notice of motion for 05.11.2015.

In the meanwhile, in the event of arrest of petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. He shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from HC Navyugdeep Singh has apprised the Court that the petitioner has since joined investigation. It is also not disputed that the only injury which is attributed to the petitioner has been opined to be simple in nature.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 14.09.2015 is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

12.01.2016
sukhpreet