

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

CRM-M-32871-2016 (O&M)

Date of decision: September 23, 2016

Kala @ Kala Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Ms. Shivali, AAG, Punjab,
for the respondent-State.

INDERJIT SINGH, J.

Petitioner- Kala @ Kala Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.225 dated 30.08.2015, under Sections 307, 324, 323, 148, 149 IPC registered at Police Station Sadar Ferozepur, District Ferozepur.

Notice of motion was issued in this case.

Ms. Shivali, learned AAG, Punjab, has put in appearance on behalf of the respondent-State and contested this petition. Police record has also been produced.

From the record, I find that in the present case FIR has been registered on the statement of Bohar Singh. As per the allegation in the FIR, Bittu non-applicant is the main accused, who gave Kappa blows on the head of the complainant. The present petitioner along with other non-applicants have been named in the FIR. Specific weapon has not been stated in the FIR and no specific injury has been attributed to him. He has already joined the investigation. There is delay of four days in registration of the FIR.

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, it appears that custodial interrogation of the petitioner is not required in the present case; nothing is to be recovered from him and no useful purpose will be served by sending the petitioner to custody.

Therefore, I find merit in this petition and the same is allowed. The order dated 16.09.2016, granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

23.09.2016

sp

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
No.