

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-33440 of 2016

Date of decision:- November 28, 2016

JAGJIT SINGH @ JAGGA

....PETITIONER..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Chetan Chauhan, Advocate for
Mr. Gursimran Singh Bhatia, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

JASPAL SINGH, J. (Oral)

Present petition has been preferred under Section 438 of the Code of Criminal Procedure by Jagjit Singh @ Jagga-petitioner, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.13, dated 11.03.2016, under Sections 307, 326, 324, 323, 148 and 149 IPC, Police Station Chohla Sahib, District Tarn Taran.

2. At the time of issuance of notice of motion, following order was passed by this Court on 24.09.2016:-

“Inter-alia, it has been contended by learned counsel for the petitioner that injury which has been attributed to the present petitioner falls within the ambit of Section 324 IPC. However, the police has attracted Section 307 IPC straightaway without report of the x-ray examination. The other injuries which are stated to be grievous in nature have been attributed to the co-

accused of the petitioner alleged to have been suffered by Jasbir Singh-intervenor.

Notice of motion for 28.11.2016.

In the meanwhile, petitioner is directed to join the investigation within seven days from the date of certified copy of this order. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

3. At the very outset of the arguments, it has been fairly submitted by learned State on instructions from ASI Narinder Singh that in compliance of order dated 24.09.2016, the petitioner has already joined the investigation but recovery of DATTAR allegedly used during the course of occurrence has not so far been affected.

4. There is a debatable question as to whether in the facts and circumstances of the instant case, Section 307 is attracted or not. Since, petitioner has already joined the investigation, his further custodial interrogation is not required at all.

5. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 24.09.2016 is made absolute and shall enure during the pendency of trial but subject to the conditions provided under Section 438 (2) Cr.P.C.

November 28, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No