

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-33911 of 2016

Date of decision:- November 28, 2016

SURAJ AND ANOTHER

.....PETITIONERS..

VS.

STATE OF PUNJAB

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioners.

Ms. Bhavna Gupta, DAG, Punjab.

JASPAL SINGH, J. (Oral)

Instant petition has been preferred under Section 438 of the Code of Criminal Procedure by Suraj and Manish-petitioners, seeking pre-arrest bail, feeling apprehension of their arrest, in case bearing FIR No.83, dated 23.03.2016, under Sections 323, 324, 148 and 149 IPC (Section 326 IPC added subsequently), Police Station A-Division, District Amritsar City.

2. At the time of issuance of notice of motion, following order was passed by this Court on 23.09.2016:-

“It has been inter-alia contended by learned counsel for the petitioners that no specific injury has been attributed to the petitioners. The allegations against the petitioners are that they only caught hold the complainant-Sajjan from his arms when their co-accused Raja gave a datar blow on his (complainant's)

right arm. The other injury sustained by the complainant has been attributed to the co-accused of the petitioners.

Notice of motion for 28.11.2016.

In the meanwhile, petitioners are directed to join the investigation within a period of 7 days from the date of certified copy of this order. In the event of arrest, petitioners 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. Learned State counsel on instructions from HC Gurcharan Singh has fairly conceded that in compliance of order dated 23.09.2016, the petitioners have already joined the investigation and are no more required for further investigation.

4. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated 23.09.2016 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