

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-34629 of 2015 (O&M)
Date of Decision: 26.02.2016

Rajinder Kumar

--Petitioner

Versus

State of Punjab & another

--Respondents

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

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

Mr. J.S. Dhaliwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C seeking release of the petitioner on anticipatory bail in case F.I.R. No.326 dated 29.8.2014 under sections 323, 324, 34 I.P.C (section 326 I.P.C was added later on), registered at Police Station, City Tarn Taran, District Tarn Taran.

On 15.10.2015, the following order was passed by this Court:-

“This is a petition for the grant of anticipatory bail filed in case bearing FIR No. 326 dated 29.08.2014 under Sections 323, 324, 34 IPC, later on offence under Section 326 IPC added, registered at Police Station Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner has argued that the fact is that it was a fight between neighbours and apart from the merits of the case petitioner's side is very keen to settle this dispute amicably. Learned DAG, on instructions from ASI Puran Singh, has stated that though more serious injuries were caused by the petitioner's side , yet if the petitioner is trying to make a settlement, he would not oppose the same.

Resultantly I deem it appropriate to adjourn this petition for one month and grant interim stay of arrest to the

petitioner to work out a settlement.

Adjourned to 08.12.2015.

In the meantime, arrest of the petitioner shall remain stayed.”

Thereafter, on 8.12.2015, the matter was adjourned to 26.2.2016 in the following terms:-

“Learned counsel for the petitioner states that the petitioner is still trying to get the matter settled with his neighbours and prays that the complainant be impleaded as a party.

On the oral request of the learned counsel for the petitioner, the complainant-Harpreet Singh, son of Inderjit Singh Caste Suniyara, resident of Gali Surmay Wali Mohalla, Jaswant Singh Nurdi Adda, Tarn Taran, is impleaded as respondent No.2.

Registry is directed to make necessary correction in the memo of parties.

Let notice be issued to the newly added respondent No.2 for 26.02.2016.”

Even though, office report reflects that the complainant/respondent no.2 has been duly served, yet, no representation has been caused on his behalf.

During the course of arguments, it has gone uncontroverted that even though, the injury that has attracted offence under section 326 I.P.C is attributed to the present petitioner but the same was inflicted on a non-vital part of the complainant.

Learned State counsel upon instructions from ASI Baljinder Singh would apprise the Court that the petitioner has since joined investigation and is not required for custodial interrogation.

As such, without making any observations on merits, the present petition is allowed. Order dated 15.10.2015, passed by this Court is made absolute subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii) that the petitioner shall not leave India without the prior permission of the Court.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.02.2016

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