

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

CRM-M No.35857 of 2015

Decided on: 08.01.2016

Bhagwan Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

AND

CRM-M No.43647 of 2015

Decided on: 08.01.2016

Balwant Singh & others

. . . Petitioners

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. S.P. Soi, Advocate
for the petitioner (in CRM-M No.35857 of 2015)

Mr. B.S. Bhalla, Advocate
for the petitioners (in CRM-M No.43647 of 2015)

Ms. Anmol Grewal, Asstt. Advocate General, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of two petitions i.e. CRM-M
No.35857 of 2015 (Bhagwan Singh Vs. State of Punjab) and CRM-
M No.43647 of 2015 (Balwant Singh & others Vs. State of Punjab)

CRM-M No.35857 of 2015

as both these petitions have been filed under Section 438 Cr.P.C seeking the concession of pre-arrest bail to the petitioner in case F.I.R. No.33 dated 24.02.2015 under sections 326, 324, 323, 148 149, 506 IPC, registered at Police Station, Dharamkot, District Moga and to the petitioners in cross-version i.e. D.D.R. No.23 dated 24.02.2015, under Sections 323, 452, 148, 149 IPC (Section 325 IPC added lateron) in F.I.R. No.33 dated 24.02.2015, registered at Police Station, Dharamkot, District Moga.

On 19.10.2015, while issuing notice of motion in CRM-M No.35857 of 2015, following order was passed by this Court:-

“Learned counsel for the petitioner contends that the petitioner has been attributed the injury of kirpan blow on the complainant, which hit on the wrist of the right hand and, therefore, the injury attributed to the petitioner is on non-vital part.

Notice of motion for 8.1.2016.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. However, he shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he 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 and;

3. *That he shall not leave India without previous permission of the Court.”*

Likewise, notice of motion was issued on 23.12.2015 in CRM-M No.43647 of 2015, in the following terms:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for granting the pre-arrest bail to the petitioners in the cross-version i.e. DDR No.23 dated 24.2.2015 under Sections 323, 452, 148 and 149 IPC (Section 325 IPC added later on) in FIR No.33 dated 24.2.2015 registered at Police Station, Dharamkot, District Moga.

Learned counsel for the petitioners contends that vide order dated 30.11.2015, learned Additional Sessions Judge, Moga has declined bail to the petitioners on the ground that they did not join the investigation again with regard to recovery of weapons.

Notice of motion for 08.01.2016.

In the meantime, in the event of arrest of the petitioners, they shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioners 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 Gurpreet Singh, would apprise the Court that the petitioners in both these connected petitions have since joined the investigation. It has also gone uncontroverted that the injury attributed to Bhagwan

CRM-M No.35857 of 2015

Singh i.e. petitioner in CRM-M No.35857 of 2015, which has attracted the offence under Section 326 IPC was on non-vital part on the person of Balwinder Singh.

Under such circumstances, custodial interrogation of the petitioners in these two petitions would not be warranted. Both the petitions are, accordingly, allowed. Orders dated 19.10.2015 passed in CRM-M No.35857 of 2015 and order dated 23.12.2015 passed in CRM-M No.43647 of 2015, by this Court, are made absolute.

Disposed of.

[TEJINDER SINGH DHINDSA]
JUDGE

08.01.2016
sachin