

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

CRM-M -36081 of 2015 (O&M)

Date of decision: 10.08.2016

Darshan Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. NPS Mann, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Gulab Singh.

Mr. Chandan Singh, Advocate for
Mr. Amit Jhanjhi, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in case FIR No.51, dated 09.06.2015, registered under Sections 323, 326, 341, 294, 506, 148 read with Section 149 IPC, at Police Station Jodhan, Ludhiana Rural, District Ludhiana.

On 29.10.2015, this Court had passed the following order:-

“Learned counsel for the petitioners submits that the injury, which falls under Section 326 IPC, has been attributed to petitioner No.1 Darshan Singh and he wants to withdraw this petition qua him.

Petition is dismissed as withdraw qua petitioner No.1-Darshan Singh.

Now this petition survives only qua petitioners No.2 to 6.

Learned counsel for the petitioners submits that it is a case of version and cross version. Initially, the offence was under Section 365 IPC but subsequently it has been deleted. The offence under Section 326 IPC has been added later on, on the basis of medical report of the complainant. Said injury has been attributed to Darshan Singh, who is not an applicant in the case anymore. Injuries have also been received by the petitioners' side. The incident occurred in the house of petitioner No.4. Petitioners No.2 to 6 are ready to join investigation.

Notice of motion for 11.12.2015.

Mr. Amit Jhanji, Advocate appears in the Court and accepts notice on behalf of the complainant and opposes grant of bail to the petitioners.

Meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer. They shall join the investigation as and when required by the Arresting Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :

(i)that the petitioners shall make themselves available for interrogation before arresting officer as and when required;

(ii)that the petitioners 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 petitioners shall not leave India without the prior permission of the Court.”

It is contended that in pursuance of the order dated 29.10.2015, the petitioners have joined the investigation.

The learned State counsel, on instructions, submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 29.10.2015, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

10.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No