

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

Sr. No.105

CRM NO. M-37234 of 2016
DECIDED ON: October 20, 2016

OM PARKASH AND OTHERS

..PETITIONERS

VERSUS

KULDEEP AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vijay Singh Kajla, Advocate,
for the petitioners.

JASPAL SINGH, J. (ORAL)

By virtue of the instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioners have sought pre-arrest bail in complaint case titled as "*Kuldeep vs. Om Parkash etc.*" bearing complaint No.565-I, dated August 22, 2012, under Sections 323, 324, 326, 506, 148 & 149 IPC, pending in the Court of Chief Judicial Magistrate, Hisar.

Undoubtedly, petitioners have been summoned in a complaint case and their custodial interrogation is not at all required. They are only required to join and cooperate with the proceedings before the trial court.

At this stage, Mr. Deepak K. Sharma, Advocate appears and filed power of attorney on behalf of respondent No.1, same is taken on record.

Mr. Deepak K. Sharma, Advocate has submitted that only bailable warrants have been issued by the trial court and as such, instant petition under Section 438 Cr.P.C. is not maintainable.

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The contention of the learned counsel for the respondent-complainant does not carry any legal weight in view of the fact that offence under Section 326 IPC is punishable for life imprisonment and the learned Magistrate(s) generally refrain from exercising his/their jurisdiction in respect of bail.

Since, the custodial interrogation of the petitioners is not required, instant petition is disposed of with a direction to petitioners to appear/surrender before the trial court within 7 days from the date of certified copy of this order and on their appearance/surrender, they shall be bailed out at its satisfaction.

October 20, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No