

Sr. No. 206

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-39285 of 2015
Date of Decision: 09.02.2016

Jasbir Singh @ Rimmy and another

...Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. Chanan Singh, Advocate,
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.62 dated 08.09.2015, under Sections 452/506/148/149 of Indian Penal Code and Section 308 of IPC added later on, registered at Police Station Gardhiwala, District Hoshiarpur.

Counsel for the parties have been heard.

On 27.11.2015, the following order was passed by this Court:

“Learned counsel for the petitioners states that injury under Section 308 IPC is attributed to Sandeep Kumar who is in custody.

Adjourned to 09.02.2016.

In the meanwhile, petitioners are directed to join the investigation and if they are sought to be

arrested, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 sub Section 2 Clause (i)(ii) and (iii) of the Code of Criminal Procedure till the next date of hearing.”

Learned State counsel upon instructions from ASI Major Singh would apprise the Court that petitioners have since joined investigation and even datars have been recovered from them.

It has also gone uncontroverted that injury which has attracted offence under Section 308 IPC is attributed not to the present petitioners but to co-accused Sandeep Kumar and who is presently in custody. Even as per complainant's version, the injuries attributed to the present petitioners in the alleged occurrence have been opined to be simple in nature and on non-vital part of the body. That apart the alleged occurrence is stated to have taken place on 31.08.2015 and the FIR was registered on 08.09.2015.

In view of the circumstances noticed here-in-above, custodial interrogation of the petitioners would not be warranted.

Petition is allowed. Order dated 27.11.2015 passed by this Court is made absolute.

Disposed of.

09.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**