

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-41468 of 2015 (O&M)
Date of Decision: 23.02.2016

Arwinder Singh @ Ravinder Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

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

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.111 dated 29.8.2012 under sections 326, 323, 324 I.P.C, registered at Police Station, Sadar Batala, District Gurdaspur.

On 8.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks pre-arrest bail in FIR No.111 dated 29.8.2012 under Sections 326, 323, 324 IPC registered at Police Station Sadar, Batala, Distt. Gurdaspur.

Learned counsel for the petitioner refers to the order dated 21.5.2015 passed by the learned Judicial Magistrate Ist Class, Batala under Section 319 Cr.P.C., whereby petitioner has been summoned as an additional accused to face the criminal trial, because during the investigation, he was declared innocent by the investigating agency. He further submits that in such a situation, custodial interrogation of the petitioner would not be required.

Notice to Advocate General, Punjab, for 23.2.2016.

In the meantime, in the event of arrest, petitioner shall be released on interim anticipatory bail to the

satisfaction of arresting/investigating officer, subject to the conditions envisaged under Section 438(2) Cr.P.C. At the first instance, petitioner shall join the investigation on or before 21.12.2015 and cooperate with the investigating agency. The petitioner is also directed to join the investigation, thereafter, as and when required by the investigating agency by issuing a notice under Section 160 Cr.P.C.”

It has gone uncontroverted that in deference to the order dated 8.12.2015, passed by this Court petitioner has duly appeared before the Trial Court on 15.12.2015 and has been admitted to interim bail subject to satisfaction of the Trial Court.

Furthermore, it may be observed that during the course of investigation the petitioner has been found to be innocent and it is only on account of an application filed by the prosecution under section 319 Cr.P.C having been allowed that the petitioner has been summoned to face trial as an additional accused. Even the role attributed to the petitioner is of having given a *Datar* blow on a non-vital part of the body of complainant Jagir Singh i.e. on thigh and knee.

The petitioner having already joined trial proceedings, the prayer made in the present petition is allowed. The order dated 8.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.02.2016

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