

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

CRM No.M-5208 of 2016 (O&M)

Date of Decision: 06.05.2016

Binder Singh @ Gurmail Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. S.K. Singla, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.182 dated 29.12.2015, under Sections 324/323/148/149 IPC (Section 326 IPC added later on), registered at Police Station Maur, District Bathinda.

On 12.02.2016, while issuing notice of motion, the following order was passed by this Court:

“Counsel would submit that initially F.I.R was registered under sections 324, 323, 148, 149 I.P.C and the petitioner had been granted concession of interim bail. Further submitted that the petitioner had even joined investigation. Thereafter, the concession granted to the petitioner has been canceled on the ground that offence under section 326 I.P.C has been added. Counsel would very fairly contend that even though the injury attracting offence under section 326 I.P.C is attributed to the petitioner but the same is on a non-vital part of the body and the petitioner having already joined investigation, under such circumstances, his custodial interrogation would not be warranted.

Notice of motion, returnable for 6.5.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jaskaran Singh apprises the Court that the petitioner has since joined investigation and even the weapon used in the alleged occurrence i.e. a *dah* has since been recovered.

It has also gone uncontroverted that the injury attributed to the petitioner and which has attracted offence under Section 326 IPC is on a non-vital part of the person of the complainant.

In view of the above, the present petition is allowed. Order dated 12.02.2016 passed by this Court is made absolute.

Disposed of.

06.05.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**